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Borderline vulnerabilities: an institutional ethnography of the asylum process in Lesbos, Greece

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Borderline Vulnerabilities: An Institutional Ethnography of the asylum process in Lesbos, Greece.

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for the award of Doctor of Philosophy

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Abstract

This dissertation is an exploration of vulnerability-based decision- making in the context of the implementation of asylum procedures at EU's south eastern borders. I contend that EU's borders must be examined in relation to the regulation of cross border mobility and must be understood as a set of social and temporal processes that spatially (re)produce vulnerability. As a case study I present the institutional assessment of vulnerability on the island of Lesbos, following the EU's recognition of Turkey as a safe third country for asylum seekers in March 2016. I deploy institutional ethnography as a research and methodological tool; I locate myself in Lesbos and Athens to study the assessment of vulnerability in practice, through the daily work and narratives of Greek and EC bureaucrats, medical professionals and lawyers who are responsible for ascribing vulnerability. In addition, I examine legal and bureaucratic documents which produce a particular way of understanding and assessing vulnerability. I demonstrate that vulnerability narratives are directly associated with regulatory frameworks, norms and practices which administrate people in space and time. In particular, it is through the affirmation and/or denial of vulnerability during the asylum process that individuals come to be assessed as deserving international protection and welfare provision. In this way, individuals crossing the EU-Turkish border are 'managed' not only through the credibility of their asylum claim but on additional medical and moral grounds. Against this categorical and a-spatial understanding of vulnerability, I propose a geographical approach that takes into account the place specificity of migrants' embodied experience, precarity and trauma as a way of advancing critical geographies of border and immigration controls.

Glossary

AMIF	Asylum, Migration and Integration Fund
AIDA	Asylum Information Database
APD	Asylum Procedures Directive
CEAS	Common European Asylum System
CBS	Critical Border Studies
CJEU	Court of Justice of the European Union
DG HOME	The Commission's Directorate General for Migration and Home Affairs
EASO	European Asylum Office
EC	European Commission
ECCHR	European Centre for Constitutional and Human Rights
ECtHR	European Court of Human Rights
ECRE	European Council on Refugees and Exiles
EKKA	Greek National Centre for Social Solidarity
ESRC	Economic and Social Research Council (UK)
EU	European Union
EUROPOL	The European Union Agency for Law Enforcement Cooperation
EUROJUST	European Union Agency for Criminal Justice Cooperation
FRS	First Reception Service
FRCs	First Reception Centres
GAMM	Global Approach to Migration and Mobility
GAS	Greek Asylum Service
GCR	Greek Council for Refugees
GIS	Geographic Information Systems
IE	Institutional Ethnography
IGOs	Inter-governmental Organisations
IOM	International Organisation of Migration
KEELPNO	Centre for the Prevention of Communicable Diseases (Greece)
MDM	Medicine du Monde (Doctors of the World)
MMP	Ministry of Migration Policy (Greece)
MoF	Ministry of Finance (Greece)
MSF	Medicine Sans Frontiers
NGOs	Non-Governmental Organisations
PTSD	Post Traumatic Stress Disorder
RCD	Reception Conditions Directive
RIC	Reception Identification Centre
RIS	Reception Identification Service
RSD	Refugee Status Determination
SOPs	Standard Operating Procedures
UNHCR	United Nations High Commissioner for Refugees

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Introduction

Since the end of 2014, the five Aegean islands of Kos, Leros, Lesbos, Chios and Samos have been captured in both international media and public imagination as a border zone at the epicentre of the so-called European refugee crisis.[1] Lesbos has been the island with the largest number of arrivals[2] throughout these years and despite the financing of humanitarian relief, living conditions for refugees have deteriorated sharply. Moria, the principle infrastructure on the island used for the processes of registration, identification, accommodation and detention of the new arrivals has become synonymous with human misery. Since February 2020, more than 20,000 individuals have been residing in a facility initially planned to accommodate around 3,500, while access to water, food and sanitation is scarce[3].

In popular gathering spots outside the main accommodation sites, I met refugees celebrating the possession of a medical document that proved their vulnerability. Those without such a document desperately wanted one and could often purchase it at a competitive price. I reached out to legal and NGO contacts who confirmed my hypothesis that refugees were actively trying to create or reinforce a vulnerable status to enhance their chances on being granted asylum. I was already aware that in Moria officials have been deploying several methods to filter the worthy from the unworthy refugees. Lately, these methods were enriched with the official ascription of vulnerability. To be assigned the status of vulnerability is *to be exempt* from a set of administrative procedures that radically diminish your chances of accessing international protection and often result in asylum seekers' automatic deportation. In addition, and in a context where resources are limited and needs

[1] The phrase 'European Refugee Crisis' became widely used in April 2015, following the death of over 2,000 migrants after their boats capsized in the Central Mediterranean. Since then, the phrases European Migration Crisis and Europe's Humanitarian Crisis have been used interchangeably to refer to the same period. The problem with the phrase and the reason why I have entered the prefix 'so-called' is that it has come to be embedded in discourses about Europe being under threat and the idea of an invasion from the outside. Not only do such representations essentialise the image of Europe as a container space but it also obscures the fact that the majority of the displaced population is hosted in countries at Europe's periphery.

[2] According to the UNHCR, more than half of the c. 800,000 people who crossed into Europe in 2015 from the Mediterranean Sea went through the island of Lesbos. Since then the island has been consistently receiving the largest number of migrants and refugees thank any other island in Greece.

[3] UNHCR briefing note: https://www.unhcr.org/news/briefing/2020/2/5e3d2f3f4/unhcr-calls-decisive-action-end-alarming-conditions-aegean-islands.html. Last accessed 29.05.2020.

continually grow, vulnerability assignations are used *to prioritise access* to health and housing. But how does one determine something as elusive as a person's vulnerability?

Vulnerability is intimately linked to values and beliefs about deserving and undeserving refugees and in so doing the concept occupies an ambivalent position within migration narratives. While those crossing the EU-Turkish borders are vulnerable due to their precarious legal status, vulnerability discourses often result in victimisation and create unnecessary dependencies. In the end, decisions about who gets priority access to asylum services and who officially falls under the category of vulnerable refugee are made by individuals, in this case state functionaries and NGO practitioners, who rely on refugees' *embodied characteristics* and who inevitably hold their own sets of preconceptions about what a vulnerable person looks like or behaves.

This thesis provides the first empirical study on the implications of vulnerability-focused decision-making in EU asylum and border processes. I have been visiting the island of Lesbos in a professional capacity regularly since the spring of 2011. First, as part of a national programme for the reform of the Greek asylum system (2010-2014), I was tasked by the UNHCR/Ministry of Health to conduct monitoring visits to reception and accommodation facilities for asylum seekers and unaccompanied minors, one of which was based on the island. Key deliverables for this post were the authorship of an in-depth study about the protection[4] concerns facing their lives and the creation of minimum standards for the operation of reception and accommodation centres. Guidelines concerning the treatment of vulnerable groups was a core theme of this work. I then returned to Lesbos in 2015 as part of a team of four researchers to conduct fieldwork for the Transcapes project[5] that studied the new emergency EU policy framework implemented on the Aegean border zone. This thesis identified a significant research desideratum as the logical next step from previous professional and scholarly endeavours and even more so an opportunity to grapple with an

[4] The term 'protection' in the language of UNHCR refers to a range of activities that aim to secure refugee rights. It is also used to refer to the core mandate of the organization which is to uphold the 1961 Geneva Convention on Refugees from which the mandate for states to provide international protection stems from. For more information please see: https://www.unhcr.org/4371d9482.pdf

[5] Transcapes was a research project funded by the Economic and Social Research Councils' (ESCR) Urgency Grants and co-funded by Department for International Development (DFID). It sat within the Mediterranean Migration Research Programme.

intellectual question that was left undone and which became its overarching research aim: to better understand sovereign practices that result in containment and precarity, as well as the differential in/exclusion of refugees who reach Europe's territorial frontiers. It is imperative to search for evidence beyond the grand policy frameworks into the hidden space of everyday decision-making of those who hold authority over the lives of refugees. The goal of this thesis is thus to unpack the role of vulnerability within institutional frameworks that police the boundaries of entitlement. In particular, I want to account for the ways in which institutions fix the category of vulnerability onto refugees' bodies and the implications this has for their life chances more broadly.

Political geographies of mobility governance

This section briefly introduces the conceptual frame and related wider academic debates on which this thesis rests. Instead of opting for a single theory or approach this thesis makes use of a great variety of concepts which enable me to better investigate the social phenomenon in question. For instance, I draw on Foucauldian genealogy to address processes of contemporary bureaucratic administration when I discuss the work of border and immigration officers in the registration and identification centre of Moria. In addition, I engage with his concepts of *biopower* and *governmentality* to illuminate aspects of population governance that underwrite border and immigration controls. Accordingly, I see refugee bodies as invested in a network of relations of power and domination, as bodies that are both subjected and productive. Those with decision making power mark refugee bodies as vulnerable, calculate the degree of its vulnerability and encourage it to perform in certain ways, extracting value from its existence.

Simultaneously, the thesis takes stock of critical theory when it draws on Agamben's thoughts in relation to *sovereignty*. I do that when I discuss current asylum policies (in Europe and in Greece) which continually fragment and circumscribe the figure of the refugee and the asylum seeker to a point where the protection of their lives is removed from the political sphere and becomes instead a humanitarian concern as the main way in which sovereign power establishes itself. I also make use of the sociological concept of *moral economy* in order to elucidate aspects of contemporary humanitarianism in the context of policies related to the care of asylum seekers and refugees. I refer in particular to the ways in which the concept of vulnerability has entered into contemporary vocabularies of

humanitarian care, and the values and norms that guide officials in their treatment of asylum seekers and refugees.

This broad conceptual framework is further nuanced within academic debates. First, I draw on critical border and migration studies and their rich conceptual resources and theorisations on borders, migration and territorial governance. Scholars in this strand of literature question the taken for granted notion of borders as lines on the map and instead problematise contemporary borders as socio geographical processes, which function as political instruments of partition and biopolitical governance (Balibar, 2000; Vaughan-Williams & Parker, 2012). In addition, they draw attention to ways in which sovereign power is transformed and exposed in geographic spaces not traditionally associated with the exercise of sovereignty (Andrijasevic, 2010; Johnson et al., 2017). The delegation of this role to specific territorial entities such as islands forms part of the broader spatial strategies in relation to the management of migration exposed by geographers (see Mountz, 2013). For instance, geographers have shown that through strategic entanglements between law and geography, areas such as airport waiting zones, islands, entire countries, and seascapes are transformed into spaces where different rules apply (Gregory, 2004; Henry-Reid 2007; Mountz, 2013; Sidaway, 2010).

Similar processes are observed and analysed in this research. Indeed, since March 2016, those arriving on the five Aegean islands from the Turkish coast are required to undergo a speedier asylum procedure in which fewer guarantees are offered. A markedly different asylum procedure is observed in the rest of the country. This exceptionality is further emphasized by the imposition of a geographical restriction, which prohibits refugees from departing the islands. My study therefore contributes empirical and theoretical insights to the ways in which sovereign jurisdiction and law work together to exclude by including in particular geographical spaces. In practise this means that although refugees are administratively included in procedures applied at the geopolitical border, they remain legally excluded from exercising a wide spectrum of rights, including in some cases their right to seek asylum and freedom of movement.

Second, my research engages with wider debates in humanitarianism and the evolution of humanitarian action, morality and ethics. I draw especially on scholars who are critical of the depoliticising and de-historicising role of humanitarianism and its close links to the

developments and security agendas of Western states (Barnett &Weiss, 2008; Belloni, 2007). Debates focus on the relevance of humanitarian principles and morality within contemporary transformations in the governance of human life, such as a concern with suffering and the well-being of certain populations such as refugees and asylum seekers (Barnett, 2013; Fassin, 2005). Scholarship extends these debates to governance of mobility, problematising the deployment of humanitarian rationalities in relation to the humanitarian management of borders (Pallister-Wilkins, 2017; Vaughan-Williams, 2015; Walters, 2011). In this research I situate the humanitarian language of refugee vulnerability and protection alongside strategies of border enforcement and specifically the implementation of the EU-Turkey Agreement, nuancing the evolving rationalities of humanitarianism in relation to the governance of borders and mobility.

Third, my case study of vulnerability assessments in the Greek asylum process offers a lens through which to investigate the ways in which different forms of violence and violations (structural, political, legal, administrative) perpetuate conditions of precarity among asylum seeking and refugee populations (Coddington, 2019). I unpack the multiple meanings of vulnerability, focusing on its use within policy and legal frameworks as a categorical form of vulnerability and as an instrument of neoliberal governmentality deployed in efforts to reinforce spatial strategies of migration management (Fitzerald, 2016). My interest lies in the ways in which the imperative to protect the most vulnerable amongst those who cross into the island of Lesbos from the Turkish coast following the EU-Turkey Agreement[6] materialises in the everyday work of the bureaucracy at the border and the unintended consequences of vulnerability based decision making on the lives of asylum seekers and refugees. In doing that I situate the violence and violations perpetuated by some forms of border controls alongside the necessity to address the vulnerabilities and precarity produced in Lesbos and the Greek mainland at large, without losing site of the complexities involved in evoking the concept of vulnerability.

[6] The EU-Turkey Agreement or "Deal" is a political agreement between the European Commission (EC) and Turkey. It rests on a mechanism of exchange, whereby for every Syrian that enters through the Greek Aegean islands, another one is returned to Turkey. In addition, the Agreement stipulates that all those who enter the Greek Aegean islands are served with an automatic rejection and deportation order on the basis that Turkey constitutes a safe country for them to seek asylum. In return, Turkey has been promised humanitarian aid to cope with the increasing number of refugees within its territory as well as more favourable terms for Turkish citizens who wish to travel and reside in the EU. For more details please visit https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/

Finally, I would like to make a brief note on the terminology used in this thesis. Writing about vulnerability in the context of EU border and immigration controls has proved challenging not least because I engage explicitly with the process through which the category of vulnerability is constructed. How do I avoid categorising individuals as migrants, refugees, asylum seekers, vulnerable or not vulnerable in the way governments and institutions do? Since 2015, the importance of identifying those who were trying to reach Europe without potential claims to international protection resulted in categorical fetishism of refugees and migrants fueled by representations of crisis (Crawley & Skleparis, 2017). The concepts 'migrant', 'asylum seeker' and 'refugee' respond to different legal frameworks but at the same time they are highly politicized carrying, at least in Europe, contested and negative connotations. I elaborate further on administrative labels in relation to migration and the political questions they give rise to in chapter two section 2. As an initial disclaimer, I wish to clarify that I use the terms refugees and asylum seekers in order to emphasize their experiences within legal frameworks and not their citizenship status. In the meantime, try to avoid where possible using these terms and I instead opt for the words 'individuals' or 'persons' or 'newcomers'. Finally, I opt for using the pronoun she/her when I refer to the experiences of migrants, asylum seekers and refugees in order to challenge the stereotype that wants people undertaking migration journeys to be predominantly young males.

Research focus and research questions

The thesis is concerned with the ways in which the imperative to protect vulnerable asylum seekers informs the decision of authorities who are based on the island of Lesbos to allow or deny them access to care structures, the asylum process and to territory. This is what makes it geographical at its core. My focus in on *vulnerability assessments:* these are a set of formalised procedures that allow authorities to assign or deny the status of vulnerability to individuals who arrived on the Eastern Aegean islands during the period of this study. In turn, vulnerability assignations are instrumentalised into becoming a criterion for their treatment in the context of administrative procedures applied specifically at border areas. My research questions are guided by three key field observations.

First, following the EU-Turkey Agreement, migrants arriving on Lesbos from the Turkish coast have been obliged to undergo additional administrative procedures which assess the country responsible for processing their asylum claim. This modality is made possible

through a change in the function of asylum. In short, it adheres to an EU policy that transfers the responsibility for taking charge of asylum claims to transit or origin countries, despite their presence in EU territory. In practice this is achieved through a so-called admissibility test, an interview conducted by immigration authorities. The test examines whether the intention to submit an asylum claim should be filed in Greece or in Turkey. Those identified as vulnerable, prior or during the test, are effectively exempt from return to Turkey. They are instead permitted to seek asylum in Greece. This observation, which will be further nuanced in the first empirical chapter of the thesis, has inspired the first research question: *What has been the role of vulnerability in spatialising the relationship between the EU and its territorial edges and how has this contributed to reconfiguring the asylum process at the EU-Turkish border*?

Second, while vulnerability status has become an important aspect of administrative procedures at the border, there is little clarity as to why and how this came to be. For instance, we already know that in the absence of travel documents, nationality identification can be difficult to determine. While both Greek and EU legal documents encourage a particular interpretation of the concept in the context of the asylum process, there are no precise guidelines about how to assess that someone indeed qualifies for the status of vulnerability. As a result, the actual assessment process relies on experimental methods and texts, determined to a large extend by individuals in institutions that receive and identify migrants at the border. The underlying assumption is that vulnerable people possess particular embodied characteristics and/or belong to specific groups. My second research question therefore asks: *How does vulnerability become identified, calculated and categorised by institutional authorities*? While immigration authorities often try to fix the meaning of vulnerability to objectivist legal and medical criteria, I question this interpretation by pointing to the multiple ways in which the lives of asylum seekers are rendered precarious through subtle and overt forms of violence and through the very bordering processes that seek to categorise them as vulnerable in the first place.

Third, vulnerability thinking penetrates additional spheres of management of refugee populations. Having previously worked in the humanitarian sector, I was already aware that vulnerability assessments are popular tools for prioritising the well-being of the most vulnerable within refugee communities. During my fieldwork, I discovered that concerns about reaching out to those most in need underwrite current EU funding schemes, too.

Relocating asylum seekers living in desperate conditions on the islands and onto the Greek mainland adheres to a humanitarian logic of prioritisation based on pre-gained vulnerability status. Similarly, economic calculations regarding cost-effective accommodation and health care services leave a large segment of the population outside of the official care framework obliging them to rely on their own survival strategies. For this reason, the final research question I ask is: *In what ways does the official vulnerability framework create layers of human worthiness and spaces of worthiness extraction*?

What we know and what this thesis seeks to contribute

The main concern of this thesis is to build towards an understanding of vulnerability as a social and geographical process that emerges in and through practices and knowledges of migration and its governance. I am interested not so much in what it means to be a vulnerable migrant/refugee today, but in what vulnerability *does, how it functions* within a developing regime of inclusion and exclusion. Specifically, I see vulnerability assessments as emerging from the logic of separation and careful selection of worthy versus unworthy refugees nurtured in these spaces of bordering. Let me advance a few reasons why such an endeavour is worth pursuing.

In November 2015, prompted by the crossing of nearly a million transiting migrants through the Balkan corridor, the EU announced its intention to assume decisive actions against frontier states which fail to honour their obligations inscribed within the Schengen Border Code. The timing of this announcement coincided with the aftermath of the Paris terrorist attacks; investigations announced that the passport of one of the perpetrators had been registered earlier that year in the island of Kos, raising alarms over the identity of those crossing borders. With events such as this feeding into narratives of refugeeness, the boundaries of what constitutes a valid claim to political belonging by groups defined as non-citizens or irregular migrants are continually shrinking. As Nail (2016a, p.158) explains, "every refugee and migrant has now explicitly become a potential terrorist and vice versa". Often, narratives of un/belonging draw directly on the physical characteristics of individuals; in other words, they make references to the bodies of migrants. Relatedly, recent scholarly work points at how, for instance, young Muslim masculinities are portrayed as a threat to European societies based on a cultural and gendered view of sexuality (Hertz, 2018). Similarly, those with visible physical disabilities as well as the elderly, pregnant women or

children are typically traditionally imagined as occupying a place within society's most vulnerable within humanitarian responses (Parida, 2015). As will be argued in this study, assumptions about vulnerability and vulnerable groups are deeply ingrained within Eurocentric social, legal and political institutions and feed into narratives of worthiness.

Indeed, few would argue against the idea that the lived experiences of refugee journeys into Europe do not produce inherent vulnerabilities, such as exposures to injury or harm, precarious living and working conditions which call for complex survival strategies. Arguably these are often generated by processes of migration governance. Yet, and despite the frequency with which the notion of vulnerability is deployed, its implications in relation to asylum and border governance are remarkably underexplored. This is all the more astonishing given the implicit emphasis within juridical systems of asylum determination to protect and support the most vulnerable, victims of persecution and violence, as the cornerstone of the Refugee Convention and liberal moral responsibility. Indeed, variations of vulnerability assessments are widely employed by European states in the context of asylum procedures. In both academic and policy documents the concept generally appears as an objective and uncontroversial description of a subject condition. That being said, ongoing research into the concept of vulnerability in such diverse areas as social policy studies (Brown, 2012), political philosophy (Butler, 2003; Gilson, 2014), bioethics (Macklin, 2003), geography (Watts & Bohle, 1993), disability (Clough, 2017) and law (Nussbaum, 2012), to mention but a few, reveals a deeply contested notion.

Within the interdisciplinary work on migration and borders, there is a long tradition on critiquing concepts used as mechanisms of governance, such as security (Aradau, 2004, 2008; Huysmans, 2000; Basaran, 2015), risk (Bourbeau, 2015), and resilience (Carling, 2007). This makes the tasks of pining down vulnerability beyond ethical or moral concerns, as part of an attempt "to examine mechanisms which frame and reframe corporality, adversity, agency, capability, and entitlement" (Brown et al., 2017 p.16) even more pertinent. The challenge (and contribution) of this thesis is to illuminate how some of the contours of vulnerability are operationalized in this particular context of governmental interventions and how space and temporality interact in this equation.

My argument about the ambivalent position of human vulnerability within the asylum process takes inspiration from what scholars have described as a post-colonial framework of inferior belonging which characterises the practical implementation of immigration policies in Europe today. Some migrants are categorised as *more deserving* of belonging and social and legal citizenship than others (Andreouli & Dashtipour, 2014; Andreouli & Howarth, 2013). These narratives, which often stem from colonial imageries of competing ethnic and racial groups (Bhabha, 1994), are co-generated by new cultural-racist forms in the continent (Balibar, 1991). By thinking about the act of assigning vulnerability to those who have only recently arrived on the Aegean islands, I found that David Farriers' (2011) '*Post-colonial Asylum: seeking sanctuary before the law'*, with its focus on the way Europe today avoids its responsibilities towards the Other, complements my argument around the centrality of the asylum process and the nature of sovereign decision making. Drawing on a number of celebrated post structuralist thinkers, the author sketches a picture of the asylum seeker as the contemporary infrahuman "who initiates a step beyond post-colonial discourse" (2011, p. 5). As borders are pushed further outwards, the sovereign's capacity to exclude, although deterritorialized, does not diminish. On the contrary, her pleas to be granted sanctuary are met with indefinite interment in *a camp dispositif*, what has been described by Nicholas De Genova (2012) as a condition of generalised illegality. In the process, migration categories are invented and rendered as both productive and unproductive. In theorising vulnerability assessments as temporary sovereign acts, this thesis contributes to a deepening our understanding of how sovereignty is practiced (and by whom) at the EU's borders.

The EU's policy response to the so-called refugee crisis consisted in concentrating a great deal of resources at specific geographical areas thought to be experiencing extraordinary migratory pressure. These areas became known as *hotspots*, and the respective interventions that ensued as the *hotspot approach*. Findings from our Transcapes research project (2015-2016) detail the co-existence of humanitarian and security logics and logistics while emphasizing that this governing approach extends beyond the reception and identification centres of the five Aegean islands achieving 'an institutionalisation of mobility, which turn large swaths of the entire Greek territory into a pseudo-protection zone' (Papoutsi, Vradis, Papada & Painter, 2019, p. 2204). We theorised the hotspot as *a dispositif* in the Foucauldian sense, but also as integral to the Europeanisation and institutionalisation of border management, highlighting its obsessive focus with registration and identification procedures

and ultimately its constitutions as a definite liminal and sorting space of populations (Papoutsi et al., 2019). Our empirical data and theoretical analysis suggest that:

> the hotspot constitutes a crucial trial field for the EU operation at the local level in terms of (i) border security, (ii) population management and (iii) welfare provision: three key functions that have been historically reserved for the nation-state, calling us to unpack 'variant spatialities and emerging forms of sovereignty" (Painter et al., 2017, p.259).

Given the short timeframe of the project, an analysis of these flexible forms of territorial and biopolitical governance were limited in time and scope. In addition, one of the essential functions of the hotspot approach overlooked by this previous research relates to the daily coordination and collaboration between relevant EU agencies and national authorities within the reception and identification centres. This thesis contributes a rich empirical analysis on the question of how these emerging forms of sovereignty actually play out at the everyday level. I do this by exposing the twists and turns in the decision-making processes, the ebb and flow of the authorities to include or exclude as this becomes a key task for the implementation of the EU-Turkey Agreement. With this in mind I position vulnerability assessments on the Aegean islands as an instance of the changing governmentality of immigration (Walters, 2015). Meanwhile, I analyze them in relation to the evolving morality and ethics that refugee demands for sanctuary bring upon the European and national institutions tasked with policing the space of belonging.

On epistemology and choice of methods

From an epistemological perspective, the thesis draws on two rather broad but influential schools of thought. First, and in line with Foucault and postmodernist critiques, I see the creation of categories in social sciences as potentially oppressive, generating claims to truth and knowledge and as resulting from certain configurations in power relations that are historically contingent. The concept of 'migration' in the academy is an example of how social scientists have sought to bridle a social process to an extent that it has become a constituent part of the expansion of knowledge-practices that discipline migration. Even *critical migration studies* are now understood to be part of the overall "governmentalisation" of the epistemic field of migration (Garelli & Tazzioli, 2013). The proposition 'vulnerable asylum seeker', where vulnerability is understood as an additional epistemic tool, entails a double disciplining against which this thesis holds a critical stance.

Second, the starting point for my inquiry lies within the tradition of critical theory which entails that critique needs to be grounded on an emancipatory or political project if it is to qualify as critique. Here, the notion of vulnerability as a universal condition of our shared humanity has set in motion a lively academic debate and has been criticised as being politically debased (Reid, 2011). Although this debate will be more nuanced in the main body of this thesis, what particularly concerns me is the idea that categorical vulnerability fails to question values and beliefs in which public policy is seen to operate. Put simply, if we assume that the category 'vulnerable asylum seeker' stems from structures of domination then the purpose of the inquiry should be to unravel the processes and even structural conditions hidden behind such classifications. I understand a critical approach to convey a commitment to knowledge production rooted not only in a desire to be critical but in the positionality of the researcher vis a vis the struggles of migrants and their allies.

While it was clear to me from the start that my research would employ ethnographic methods, I was not certain what form this would take. I first turned to consider Tsianos' and Karakayali's (2010) *ethnographic border regime analysis*. What was particularly appealing in their formulation is the possibility of studying the border through the theoretical perspectives of regime analysis and governance which "*includes a multiplicity of social agents* {…} and *understand regulations of migration as effects, as condensations of social actions instead of taking regulations functionalistically for granted*" (p.376). In their study, they refer specifically to the "*Aegean border zone as a conflictual social space that is composed of diverse actors, forces, discourses, interests, and economies*" (p.378). So far, the theoretical and methodological similarities are easy to discern. The devil, however, lies in the detail. While the aim of their approach is to identify a host of different actors and discourses enmeshed in continually developing relations of power, what I set out to study were linkages between everyday practices (such as ascribing vulnerability or seeking a paper that proves it) and the governing strategies that aim to shape those.

Upon this realisation, I turned to consider the approach of institutional ethnography (IE). Here I will briefly mention two of the foundational premises of institutional ethnography as introduced and elaborated by Canadian sociologist Dorothy Smith (1987, 2006). The first premise relates closely to the emancipatory aim of social scientific research calls for an investigation that begins from within the everyday practices of individuals. My research inquiry begins not from an abstract space of scholarly discourse but rather from the

experiences, the *standpoint* of specific individuals; in other words, it is the experience of being assigned vulnerability that motivates me. The second premise relates to the centrality of texts, such as policy manuals, medical protocols, guidelines and standards as organisational principles of institutional discourse. These often constitute the terms within which needs become recognisable as needs and they are understood as such only within these terms. So, for instance, an asylum seeker's experience of vulnerability may only qualify as one if it matches the terms in which categorical vulnerability circulates within institutional discourse. Along with interviews and participant observation, text becomes an important anchor in which the institutional ethnographer can locate governing intentions and eventually use it for qualifying the standpoint of the individual instead. As I will elaborate on the research methodology chapter, I draw on IE as a research approach which will help me account for the spatial effects of the institutions involved in the management of asylum seeking and refugee populations, that is the way in which institutions make use of spatial strategies and produce spaces in their attempt to govern migration.

Chapter outline

This thesis comprises of six substantive chapters. Chapter One, 'Borders, Humanitarianism, Vulnerabilities' introduces and reviews literature that links together the themes of this research. Critical Border Studies (CBS), critical approaches to humanitarianism and 'Engaging vulnerability: critical and geographical draw from a variety of disciplines and methodologies to provide a more nuanced reading of everyday violence and exclusion produced in spaces of enforcement and care. Instead of attempting a generic review of literature on vulnerability which would have not only been cursory but also irrelevant to my case study, I seek to explore how viewing vulnerability as a language of politics may be able to help us understand human displacement and borders in particular as a mechanism of governance.

Chapter Two, 'Research Methodology' outlines the methods and methodological approach this thesis is based on. I reflect on the intricacies of conducting institutional ethnographic research when faced with a secretive and carceral institution and explain the choices I have made. Examples of such decisions include focusing on interviewing individuals who participate in processes taking place inside the institution as well as engaging with institutional texts. The following chapters present the findings of this research.

In Chapter Three, ‘The real ones have already crossed’, I am interested in how refugee bodies become entangled in geopolitical processes. In particular, I look at the changes with regards to the institution of asylum on the Greek Aegean islands, focusing on the asylum procedures as these have transpired after the EU-Turkey Agreement. Simultaneously, I provide an analysis of the place of vulnerability within the EU asylum *aquis*, situating vulnerability between geography and administrative law.

Chapter Four, ‘Vulnerability as a weapon’, presents the results of the institutional ethnography of vulnerability assessments. It focuses on how certain individuals become entitled to be vulnerable and others do not. It does that by examining how the vulnerability categories inscribed in the Greek Law 4375/2016 become part of the everyday work of professionals. Alongside the analysis of perceptions and assumptions regarding the dimensions of vulnerability among those who are called to operationalise the notion within the current institutional context, I introduce the role of policy documents and vulnerability forms. These textual interventions and their activation showcase the centrality of documentary forms of knowledge in the coordination of activities that produce vulnerable and non-vulnerable subjectivities.

Chapter Five, ‘The moral economy of vulnerability’, follows chronologically the previous chapter in explaining what happens after one has been designated as vulnerable. It looks at human vulnerability as a discourse of victimisation and as a method of distinction between worthy and unworthy refugees as being at the heart of contemporary moral economies of care.

Chapter Six, ‘Discussion and Conclusion’ summarises the main arguments of the thesis, highlighting its main contributions. In bringing together the concepts of border, humanitarianism and vulnerability critically, my research has chartered new ways of engaging with contemporary border and immigration control processes. My findings emphasize the use of categorical vulnerability as a spatial tool which assists the authorities in allocating individuals in space and between territories and its role in obscuring the conditions that create precarity and violence in the first place. They also point to vulnerability as a new type of new humanitarian morality which introduces entitlement to the business of compassion. Crucially, the thesis highlights the value of a geographical understanding of the notion of vulnerability as spatial and relational when considering the effects of structural and administrative violence onto marginalised groups, such as the ways in which border and

immigration policies result in breaking apart those vital links that migrants create between them and render their lives ever more precarious.

Chapter One Borders, Humanitarianism, Vulnerabilities

Introduction

In the geographical area under study, migrants are attributed a host of different subject positions for the purpose of becoming objectivised and governed. Vulnerability assessments appear alongside practices that are intimately connected to the objectives of border enforcement. In doing so, they draw attention to the ways in which a variety of different actors, not only state functionaries but also EU agency staff and non-governmental personnel, seek to manage mobility and mediate the suffering experienced by migrants. Meanwhile, ideas about what constitutes a vulnerable asylum seeker do not exist in a vacuum. Instead such assessments are guided by policy and legal documents as well as personal understandings, values, beliefs and cultural assumptions. These assessments and categorisations lay bare a host of different structures and effects that work through institutions as forces of territorial in/exclusion. Equally, vulnerability's and borders' constitutive ambiguity brings to the fore questions of ontology and politics.

On the island of Lesbos, vulnerability assessments make their appearance at a time when authorities are required to find practical ways to implement the readmission agreement, the latter forming now the backbone of the EU's strategy which aims to limit the number of arrivals following the 2015 migration movements. Other practical steps involved the piloting of detention by nationality programmes as well as the geographical restriction already mentioned in the introduction. Overall, this can be described as period of experimentation, as Greek authorities', EU agencies' and international NGOs' attempts to reconcile the enforcement of returns to Turkey with the country's obligation to international human rights treaties, humanitarian law and the 1951 Refugee Convention.

Issues around borders, migrations and vulnerabilities have been explored by a variety of scholarly traditions and disciplines including Anthropology, Political, Critical, Cultural and Human Geography, International Relations, Critical Theory, Refugee Studies, Philosophy, Post-colonial and Legal Studies, which are some of those I encountered in the process of doing this research. The boundaries between them are not clear cut. I have chosen to situate

this thesis primarily at the intersection of critical border and migration studies on the one hand and critical readings of humanitarianism on the other. These two topics exemplify, at their intersections how logics of border enforcement and discourses of illegality are combined with a concern to reduce human suffering as paradoxical yet necessary aspect of contemporary border and immigration governance (De Genova, 2002, 2012; Walters, 2011; Pallister-Willkins, 2018b). These interrelated literatures provide the theoretical nuance to understand the place of vulnerability assessments within the framework of immigration and border controls. The broader framework for this thesis rests on the tradition of critical theories and the ways in which it has shaped critical geography and its emancipatory aims (Painter, 2000). I draw especially on critical geographic scholarship in the areas of law (Blomley, 2001, 2005), feminist geopolitics (Hyndman, 2001; Power & Campbell, 2010; Sharp, 2013), and borders (Paasi, 2012; Bauder, 2011) as a place from which to critique hegemonic representations of state, territorial borders and mobility. More specifically, this chapter brings together critical geography along with Critical Border Studies (CBS), critical readings of humanitarianism and critical approaches to vulnerability. While the conceptual and theoretical relationship between humanitarianism and border controls has been forged due to the presence of humanitarian discourses and practices in the management of borders (Tazzioli & Garelli, 2016), the concept of vulnerability has not advanced similar explorations but rather been subsumed within the concept of humanitarianism (see Pallister-Willkins, 2018a).

By examining how vulnerability assessments come about, and how those working within the liminal institution of the border make use of them to achieve seemingly contradictory objectives, this thesis shows that vulnerability is increasingly entangled with the politics of EU immigration and border controls. Distinctions between vulnerable and non-vulnerable refugees have always guided certain aspects of refugee governance, particularly in relation to norms of protection but also practically, such during the implementation of resettlement programmes from camps in the global south to the wealthier countries in the north coordinated by the UNHCR (Betts, 2010). In the EU, soft law (EU Directives) as well as jurisprudence from the European Court of Human Rights (ECtHR) have recently given prominence to a certain interpretation of the vulnerable asylum seeker as I will discuss in chapter three of the thesis. The latter bares implications in the overall development of asylum and immigration policies in each member state. In doing so, I draw out from the vast research on vulnerability only those critical approaches that most readily contribute to an

understanding of the concept both as a guiding principle in policies and governmental interventions but also how the concept has been shaped by critical theories and political discourses.

I will first position this thesis in the fields of critical border and migration studies and critical readings of humanitarianism, by situating my own work within these. I will then show how critical approaches to vulnerability, particularly when seen through a critical geographical lens can enrich these discussions and contribute to a more nuanced understanding of the individual experience crossing the EU's external borders today.

1.1 **Critical Border Studies (CBS)**

Looking at the governance of vulnerability in Europe's south-eastern borders invites us to engage with the interdisciplinary field of border studies. The latter looks at what happens "at, across and because of borders" (Wilson & Donnan, 2012, p.1). I chose to converse with the branch of Critical Border Studies (CBS) in particular, because it allows me to focus on who, where and how the border is enacted, instead of thinking of the border as a territorially fixed line subject to the rule of a single sovereign entity. In addition, CBS interrogates processes of European Integration which are central to my understanding of EU migration governance and the transformations taking place at the geographical area under study.

What is a border? As obvious as it might initially appear, this question has produced profoundly unsettling answers. In his 'Politics and the Other Scene' Etienne Balibar argues that if the project of critical thought is to "contribute to changing that which is unacceptable" then we need to "overturn the false simplicity of some obvious notions" (2002, p. 75). This question cuts to the heart of the CBS project. In regard to the very questioning of the ontology of borders, the influence of European critical theory, actor-network and post-structural approaches are already laid out in the open.

Etienne Balibar calls for the necessity to complicate the notion of borders, "as the very representation of the border is a precondition for any definition" (Balibar, 2002, p.76). In other words, the very act of a definition of what a border is implies a construction of a border. This is because the border does not have a singular dimension while every border crossing represents a difference experience. In fact, no one border is ever the same and at different

historical moments, borders do different things. This realisation resonates particularly with the argument of this thesis in relation to the timing of the appearance of vulnerability assessments, a period during which the EU-Turkey cooperation takes a decisive turn on the issue of migration. In focusing on this particular temporality of the immediate aftermath of the announcement of the EU-Turkey Agreement, my research demonstrates how the experience of border crossing is transformed literarily from one day to the next. Similarly, the border has a polysemic nature, it is characterised by multiple meanings and dualities. This is represented by a reference to what Balibar calls "the equivocal character of borders" (2002, p.78). This idea of multiple meanings makes the border appear as elusive if not deceitful. Instead of being seen as an object of study, the border may be better understood to be the thing which it defines: for instance, it defines the inside and the outside of a territory. To illustrate its representation, and the non- essentialising features of the border, Balibar points to its capacities to generate and hide identities and affect (often violently) certain individuals, groups and populations.

Balibar's thinking unravels against a backdrop of a problematization surrounding the nature of borders in today's globalised world. Looking at the project of EU integration and specifically the process of building European institutions (EU communitariazation), he demonstrates that the main function of most powerful states has actually been "to use their borders and apparatuses of control as instruments of discrimination and triage" (Balibar, 2002, p.82). What the border then does is to differentiate between individuals. Fundamental to my understanding of the function of vulnerability alongside the border is his assertion that the hierarchised freedom of circulation and movement in the EU is supported by the rule of law and the power of administration. For Balibar, these institutional processes question the location of traditional administrative and political borders, so that we are now seeing a new ubiquity of borders, evident in practices such as security checks anywhere in the territory. In the end, although the meaning and location of borders has been shifting, their importance has remained intact – for some people more than for others.

Around the same time at the new millennium, another influential thinker has asked similar questions regarding the European project, this time from the field of geography. In a collection of essays titled "Reinventing Geopolitics: Geographies of Modern Statehood", John Agnew (2001) problematises contemporary border-making efforts based on a historical account of Europe's changing referents of the words 'boundaries' and 'frontiers', as well the

discursive deployment of ancient European cultures. As a result, he argues, contemporary notions of territoriality completely disregard that changing nature of power and ontological presumptions about borders in International Relations. This argument builds on the publication of his seminal 1994 essay in which he criticised what he calls 'the territorial trap' in International Relations, suggesting that conventional assumptions about states as fixed sovereign units and container societies needs to be rethought. Put simply, Agnew busted the myth that states are territorially bound, and that societies become naturally organised within state territorial confines. Two decades on, this bares implications on how power is deployed not only territorially but also extraterritorially (Henry-Reid, 2010). The same applies to borders. In their traditional conceptualisation, both in geography and political science, borders have been viewed as static lines on a map, as boundaries delimiting states' territoriality and sovereign power (Anderson & Bort, 2001; Donnan & Wilson, 1999; Elden, 2013; Walker, 1993). Soon after Agnew introduced the notion of the territorial trap, Anssi Paasi (1998) asserted the need for political geographers to incorporate a study of boundaries to allow for a rethinking of classical geographical categories.

CBS can be viewed as a scholarly response to both Balibar's and Agnew's calls. The new disciplinary approach has become formalised with Noel Parker and Vaughan-Williams' attempt to consolidate a critical agenda (2009). Both authors emphasise the need to acquire an analytical lens of borders that takes into account border ontologies, epistemologies and spatio-temporalities (Parker & Vaughan-Williams, 2009, p.584). Departing from a tradition in International Relations which endeavoured to respond critically to the post-9/11 state of the world, a concern with security and a parallel development of critical Security Studies is discernible in the authors' writings, and has weighed significantly in theorisations of the border in relation to the securitisation of migration controls (Vaughan-Williams, 2009; Parker & Vaughan-Williams, 2012).

One of the most distinctive characteristics of CBS is the abandonment of the line metaphor in reference to the border. Instead, CBS scholars favour a description that points to the ways in which borders are given meaning through practices as "the line simply does not provide analytical purchase in the function of inclusion and exclusion, or the constitution of inside and outside" (Parker & Vaughan Williams, 2009, p.12). One analytical alternative to the line metaphor comes from within geography and the constructivist turn towards theories of social construction of space with the emergence of the notion of bordering. Borders are in this way

dynamic entities that are "continually being made" (van Houtum & van Naersen, 2002). Similarly, Parker and Vaughan-Williams (2009), in abandoning the idea of the border as a territorial location, invite us to consider the "practices of bordering" instead (2009, p.586).

The concept of bordering has come to occupy a central role in the analysis of socio-geographical process. Chris Rumford (2006, 2012) argues that in order to understand the role borders play in our contemporary societies, we must be attentive to processes of bordering in which a variety of actors partake. Seeing borders not from the perspective of the state but from the perspective of the border itself, or "seeing as a border", bares important advantages to a new theorisation of borders as it points to the "constitutive nature of borders in social and political life" (Rumford, 2012, p.897). Earlier work on rethinking the concept of boundaries in geography had also influenced the way scholars think about borders. Newman and Paasi (1998) had emphasized the need to acknowledge alternative boundary narratives among different or even common cultures, framing borders as 'cultural encounters', not simply mechanisms of divisions. Conversely, understanding that borders have the potential to emerge through everyday boundaries that are also often racialised and gendered means that daily activities (working, being with friends, using public transport) can be defined as criminal acts (De Genova, 2002). Seeing borders and boundaries this way has therefore the potential of broadening the analysis of contemporary border and immigration controls and the place of the refugee in contemporary social life.

Rumford's (2012) emphasis on processes of bordering has developed into an analysis of who engages in bordering activities, or what he terms 'borderwork' (2006, p.159). As it appears, the question of who engages in borderwork "causes us to rethink the issue of who is responsible for making, dismantling and/or shifting borders", while "the capacity to make or undo them becomes a major source of political capital" (Rumford, 2012, p.898). This bares important implications regarding the potential for looking at the role of ordinary citizens, NGO's and humanitarian actors, commercial companies and others in bordering and borderwork. As I demonstrate in this research, it is the borderwork of the authorities embedded in the international administration of the hotspot in Lesbos and not simply the location of Lesbos as a geographical border that bolster bordering activities. In a similar vein, Didier Bigo (2014) problematises the relevance of the notion of state borders when he looks at how practises of border control are routinely embedded in the habitus and the routines of surveillance, interrogation, registration and detention of military and security personnel.

Relatedly, in looking to account for the persistence in viewing the state as the sole organiser of territorial spaces, Anssi Paasi (2009) points instead to the ways in which borders, as important institutions and ideological symbols, are used to reproduce territorial power. This concept of borderwork and the understanding of borders as institutions are fundamental for this thesis, especially in explaining the role of state functionaries and humanitarian actors in processes of inclusion and exclusion of individuals from territory.

The new search for metaphors has unearthed a number of imaginative conceptualisations. Van Houtum (2010) delves even deeper into an ontological exploration of the border and its function as a mechanism of ordering and othering. The border is like a 'Janus face', a mask, that desires and fears at the same time. The border is also a verb, considering the ways in which the "border makes and is made" (Van Houtum, 2010, p.50). Similarly, Mark Salter abandons the notion of the line in favour of the suture, in order to illustrate the performativity of the border. Accordingly, the border is seen as a suture-like process "at once a division and a knitting together of legal spheres, sovereignties and authorities" (Salter, 2012, p.19). For Salter, the suture shows that borders should be viewed as neither external nor internal. Drawing on Agamben and Schmidtian ideas on sovereign power, he argues that borders represent the physical limits from which individuals can claim rights and the lines from which sovereign exercise power to ban. Borders are in this way performed into being, which becomes apparent in particular moments:

> During border crossing, these moments of examination when subjects are called by agents of the sovereign to perform their claim to rights, border crossers perform some version of their expectation of sovereign authority (Slater, 2012, p.741).

The idea that borders come into being through performances merits particular attention in the context of this research. Is not the purported assignation of vulnerability, practiced as it is only days after refugee's arrival and at the edge of the European territory, precisely a moment of examination and performance? Following Wonders (2006), the following answer can be given:

> Border performativity takes as its theoretical standpoint the idea that borders are not only geographically constituted but are socially constructed via the performance of various state actors in an elaborate dance with ordinary people who see freedom of movement and identification (Wilson, 2006, p.64).

Vulnerability assessments involve not only an examination of the body but when practiced at the border they are also directly implied in performances of sovereignty, while they are

definitely not tied to freedom of movement. In appearing at the state border, refugees submit to the discretionary power of those who decide whether to grant them access or not. In this research, I reiterate the importance of looking at vulnerability assessments as particular kinds of examinations that become possible during this period and the conditions under which they emerged. Several issues arise from this, including what kind of examinations and performances become possible in different historical periods and under what conditions they emerge.

Scholarly attention on the multiple meanings and implications of borders has prompted many to consider not only who borders but also where the border is to be founded as "some borders are not situated at the borders at all" but are rather occupying the centre of the political space (Balibar, 2002, p.84). For Balibar,

> [t]he quantitative relation between 'border' and 'territory' is being inverted. This means that borders are becoming the objects of protest and contestation as well as of unremitting reinforcements, notably of their function of security. But this also means -irreversibly- that borders have stopped marking the limits of where politics ends because the community ends (2002, p.92).

Bordering and exclusion are in this way not only performed at the political borders, but increasingly also within states' territories, and beyond these: "the border is everywhere" (Lyon, 2005; Rumford, 2008). Mezzadra and Neilson look at the border from a political economy point of view and point to the role of bordering projects that include irregular migrants into labour markets but exclude them from citizenship. In this way, they see the border as a 'topological metaphor and as a method' of research in social sciences (Mezzadra & Neilson, 2012, p.68).

Continuing with the quest for alternative metaphors and analytical tools that concede processes and topologies of bordering, Nicholas De Genova shows how border policing and immigration enforcement create 'border spectacles' for the purpose of enacting 'border enforcement', rendering migrant 'illegality' spectacularly visible (De Genova 2002, 2013, pp. 242-9). For De Genova (2002), the proliferation of border enforcement performances, so the border can be witnessed in civic life, conveys that the mobilisation of border controls is a governmental method for rendering subjects deportable by reproducing a scene of exclusion. In turn, this spectacle serves to reify the territorial sovereignty of the state. In this way, it also entails "its shadowy, publicly unacknowledged or disavowed, obscene supplement: the large-scale recruitment of illegalized migrants as legally vulnerable, precarious, and thus tractable

labour." (De Genova, 2002, p.438). In other words, the condition of illegality and deportability does not only serve to instil a sense of national order but more importantly, it suggests that border controls are mobilised as a way of reproducing a surplus, easily exploitable labour. This research extends the argument of precarisation beyond the labour market to argue instead that states may mobilize other methods in order to police the boundaries of entitlement, such as through vulnerability assessments.

The notion of border regime is deployed within CBS as a way to understand how migration and border overlap and are simultaneously diffused within the European society. As I already mentioned in the introduction, border regime additionally indicates a methodological shift away from the 'naturalised' view of border as a line, to account for the border as a site of "constant encounter, tension, conflict and contestation" and migration itself as a constituent of the border (new keywords collective, 2016, p.15). Indeed, as the sovereign state effectively generates the existence of the refugee as a problem (Malkki, 1996), or as a threat (Watson, 2007), the very existence and functioning of borders is co-implicated with the production and the government of migration (Hess, Karakayali & Tsianos, 2010). The European border regime in particular is seen as creating a patchwork of other, marginal spaces, 'in- between' spaces or 'border spaces' (Isin & Rygiel, 2007). Migrant agency is at the centre of this conceptualisation. Within those spaces, migrants are not simply passive victims of controls or of the economistic versus humanitarian divisions prevalent in migration studies but are rather seen as having their own agency (Squire, 2011, Papadopoulos et al., 2008). A border regime can be described not as pertaining to a single powerful institution but as an assemble of practices and knowledge power complexes that aim to regulate mobility (Papadopoulos, Stephenson & Tsianos, 2008). This has powerful implications about how we understand the functioning of European border controls and the emergence of spaces such as the hotspots. It is particularly evident when one considers the deterritorialized nature of contemporary European internal and external border and migration controls and the fact that its laws and policies primarily aim to regulate mobility.

Opening up to the epistemological and methodological challenges presented by the government of mobility, CBS scholars look for the footprint of communication technologies on bordering processes "because the 'texture' of border has changed in the last 30 years" (Walters, 2006, p.198), the places of bordering have diversified (Jones et. al., 2011) and border controls are now remote (Guiraudon & Lahav, 2000) and externalised (Casas,

Corrubias & Pickles, 2011). Scholars have also located the border in the externalisation of asylum (Hyndman &Mountz, 2008), whereby states use geography in order to render access to asylum difficult. The border is practiced in the technological solutions that support border control, creating networked 'administrative' ecologies that seek to manage various internal and external borders (Dijstelbloem & Broeders, 2015). Because bordering happens in multiple locations and not just at the edges of territories, they are also understood to be mobile (Cooper & Perkins, 2014; Zhang, 2019). For Gabriel Popescu (2012), the use of biometrics has meant that the "body has become the ultimate mobile border that can allow the control of movement at the smallest spatial scale" (2012, p.5). Louise Amoore (2006) explains how biometric technologies of the border do not only converge but also spread through governance and across jurisdictions. In turn, the recording, sorting and profiling of individuals and populations according to biometric data anchors identity in bodily characteristics, which are in turn used to govern the mobilities of different biometrically defined subject-positions, such as 'Muslim', 'student' or 'woman', which she calls dividing practices (Amoore, 2006, p.339). In other words, a great deal of bordering work consists of marking the body as legitimate, illegitimate or indeed as this thesis argues vulnerable or not. Conversely, the mobile border can be mapped by counter cartographies or counter mapping that follows migrant movements and struggles (Taziolli, 2015).

The acknowledgement of the mobile ontology of the border has allowed CBS scholars to focus on the political implications of contemporary bordering practices. Remote control policies take on different forms, including visa regimes, carrier sanctions, cooperation with third and transit countries, or the erection of buffer zones around industrialised liberal democracies. In general terms, practices of remote control and border externalisation seek to limit access to that space (Walters, 2009, p.495; see also Neuman, 1996). Bialasiewicz (2011) points to the offshoring of bordering practices beyond the territorial limits of EU Member States as a performance of securing the external dimension of European space. EU borderwork is accomplished primarily by outsourcing migration management to states within regions in its vicinity, "placing migration management in wider geopolitical strategies and state making at a distance" (Bialasiewicz, 2012, p.852). The EU-Turkey Agreement is precisely the result of this strategy. Attention has been given to the ways borders function to regulate mobility as required, by evoking metaphors such as 'firewalls' (Walters 2006), or indeed 'hotspots' (Papoutsi et al., 2019; Tazzioli & Garelli, 2016; Spathopolou, 2016). Relatedly, Mezzadra & Neilson (2012) argue that looking at concrete bordering practices

instead of seeing the topology of border as neutral allows us to grasp its topology both as a tool for exclusion and for inclusion.

CBS have further problematised the relationship between borders, space and the political. Following Johnson and Jones (2011), one can argue that:

> the shifting nature of borders has made them neither less politicized, nor lessened the need for scholars to be mindful and critical of the complicated relationship between state power and space, and the fact that this relationship is perhaps most apparent at borders, wherever they are found (2011, p.62).

The fact that these borders may coincide with the territorial edges of a state does not mean that we should stop looking for them elsewhere too. Rajaram & Grundy-Warr (2007) made an important conceptual intervention closing the gap between dividing line that demarcates a clear inside and a diffuse outside. Drawing upon Arun Appadurai's (1992) notion of 'scapes' in globalization, these authors developed the term 'borderscapes', which they saw

> [a]s an entry point from which we study practices, performances, and discourses that seek to capture, contain, and instrumentally use the border to affix a dominant spatiality, temporality and political agency…[T]he borderscapes is thus a zone of varied and differentiated encounters. It is neither enveloped by the state nor semantically exhaustible. The borderscapes is a zone of competing and even contradictory emplacements and temporalities that hark to forms of spatial organisation that refuse the territorial imperative. (Rajaram & Grundy Warr, 2007 XXX)

The notion of borderscapes is helpful because it allows us to view borders as fluid and shifting, continually transversed by bodies and practices. Further, it encourages a 'genealogical' perspective on borders, "taking into account both their spatiality and temporality as well as the mutual implications between these two dimensions" (Brambilla, 2015, pp.27-27).

The process of EU communitariazation and EU migration controls in particular have been at the focus of CBS. The signing of the Schengen Agreement in 1985 and the Treaty of Amsterdam in 1999 have reiterated a decades-long path towards the harmonisation of border and immigration controls, including the processing of asylum, reception condition and return of third country nationals. This has drawn attention to various processes of (re)bordering (Boswell, 2003) and the stretching of border beyond sovereign states through EU border externalisation (Casas et al., 2001). An intricate landscape of interlinked agencies, policies, regulations, directives, agreements, approaches and systems directly related to bordering

processes has dominated the scene, such as the introduction of Dublin II&III, the European Border and Coast Guard (known as FRONTEX) and the European Asylum Office (EASO), which are discussed in chapter three of this thesis. The three dominant approaches that shape the EU's outlook on borders and migration management are (1) the Schengen Borders Code, which covers the harmonisation of rule in relation to external border crossing, (2) the Global Approach to Migration and Mobility (GAMM), which provides the EU's overarching framework on external migration and asylum policy respectively, and finally (3) the 'Hotspot Approach', which has been introduced as an emergency measure in 2015 but is still ongoing at the time of publication of this thesis. In the GAMM, the Commission lays the foundation for a migration management system that claims to prioritise saving the lives of migrants as much as securing Europe from the risks of non-managed and irregular migration (European Commission, 2011). Taking all these processes together, the EU has been conceived as a borderscape which can be studied as an abstract space of interventions, practices and discourses that can take place everywhere, from the remotest border to the heart of the largest urban centres (Brambilla, Laine, Scott & Bocchi, 2015).

At the heart of CBS is an understanding that Europe's borders are no longer at the edge of the territory but are rather vacillating (Balibar, 2009). This realisation has led many scholars to acclimatise their geopolitical gaze of Europe in line with the reality of its borderwork, following its bordering practices beyond what has been traditionally understood as European space. In this context, processes of harmonisation of border and migration-related regulations have resulted in an intensification of strategies and tactics with which migration is governed and borders are enforced. Louisa Bialasiewicz (2011) considers for instance the inconsistent representation of EU's border policies in form of a coherent and operationalised political framework, by pointing to the simultaneous discretion of member states to put up Schengen barriers. Similarly, the proliferation of controls related to the interception of irregular migrants has been linked to processes of securitization and criminalisation (Squire, 2009). Nail (2016b) proposes that these 'new' European borders, especially the external borders of the Union, are in some ways no less hard than their internal predecessors. This has led scholars to analyse EU borders in relation to the re-production of certain racial markers (see Anderson, 2014) and sustain divisive narratives between us and them under the broader theme of post-coloniality (De Genova, 2013). In addition, it is useful to distinguish between borders and boundaries (Fassin, 2011), where borders are external frontiers and boundaries are the internal social categorizations (Fassin, 2011). I make this distinction in order to

highlight the process of production and reproduction of borders at various scales, and the interrelatedness of these processes with constructing social categorisations such as through vulnerability assignations.

Critical border and migration studies have evolved into academic fields that are concerned with the ways in which practices of governing human mobility involve relations of power or domination. These studies are inspired by Foucault's notion of governmentality and subjectivity and can be thought of as a response to William Walters' (2002) call to 'denaturalise' the border – i.e., to break the border down to its functions, rationalities and identities. In his own analysis of 'Schengenland', the border is understood as an assemblage of heterogeneous discursive and non-discursive practices. Meanwhile, Feldman (2011) analyses migration control as made up of an apparatus of experts and regulatory instruments, aiming at populations, their movement, wealth and health. In a similar vein, Andrijasevic and Walters (2010) address the emergence of a domain of specialist technical expertise for policing, administering and designing the operation of borders, which they call the international management of borders, and in which not only EU agencies such as FRONTEX but also humanitarian organisations operate. In this way, IGOs play an important role in defining what the problem of borders is, attempting "to reconcile conflicting logics of protection, control, mobility and security and making a definite link between the complementarity of border management to migration management goals" (Walters, 2010, p.985). Far from being adversaries, a number of NGOs and international organisations collaborate in the governance of migration in a variety of different contexts, including search and rescue, the management of refugee camps, assisting people in transit, conducting 'voluntary' return programmes, overseeing deportations, assessing needs and vulnerabilities, etc. (Andrijasevic & Walters, 2010; Pallister-Willkins, 2018).

Governmentality inspired studies concerned with Foucault's analysis of the link between state and power have also taken up the issue of borders. Following Foucault, states cannot be seen as unitary actors that function smoothly according to a centralised rationality (Foucault ,1991, p.103). Instead, questions around the multiform and variable visibility, temporality and spatiality of migration and border controls have animated recent scholarly explorations into governmental interventions at sea but also in relation to the hotspot approach (Walters ,2015; Tazioli & Walters, 2016; Tazzioli ,2018; Papada, Papoutsi, Painter &Vradis, 2019). Elsewhere, Walters (2011) unpacks the functioning of the spectacularisation of dead migrant

bodies, violence and suffering, projected at the border as a governing rationality. His analysis has given impetus to a key conceptualisation for this thesis – what he calls "the humanitarian border". He sees the birth of the humanitarian border as a process that "goes hand in hand with the move which has made state frontiers into privileged symbolic and regulatory instruments within strategies of migration control" (Walters, 2011, p.138). The spectacle of care and control fixates migrants within the spatiotemporal delimitations of the border and makes them knowable and therefore governable, emphasising their victimhood and taking attention away from political and security concerns. Put side by side, the spectacle of deportability and victimhood are viewed as reproducing many of the narratives through which migration and borders are governed, since they tie together humanitarian and security concerns. The humanitarianisation of border enforcement therefore works to uphold territorial sovereignty and justify the ongoing militarisation and securitization of borders (Williams, 2014; Cuttita, 2014).

In looking at the triadic relationship between sovereignty, border and space, William Walters (2011) attributes the functioning of the humanitarian border to what he calls 'neo pastoral governmentality', which operates a minimal biopolitics based on a double axis of medical and legal know-how. In this way, the border becomes a field of production in which humanitarianism, instead of having a depoliticising effect, actually allows politics to happen (Walters, 2011, p.142). A major concern for critical border scholars and one that runs through this thesis has to do with ways in which sovereignty is mobilised in order to prevent access to those who seek entry. Amihat and Giraut have forged the term 'borderities', in which the state is substituted with a notion of borders as a socio-spatial division. In other words, *borderity* is defined as the governmentality of territorial limits and their access:

> By [borderity] (governmentality), [we mean] the ensemble formed by the institutions, procedures, analyses and reflections, calculations and tactics that allow the exercise of this very specific, albeit complex, form of power, which has as its target population, as its principal form of knowledge, political economy, and as its essential technical means, the apparatus [or what Foucault calls 'dispositifs'], of security (Almihat Szary & Giraut, 2015, p. 8).

The authors extend this new configuration of the governmentality of territorial limits to incorporate places that are not traditionally used to anchor sovereignty rights, "such as airports, even a luxury hotel, a convention centre, a university campus, or a neighbourhood inhabited by numerous immigrants" (2015, p.11). All of these places display an array of legal and technological apparatuses aimed at organising transnational flows or, more

specifically, at orienting, facilitating and controlling them by justifying humanitarian confinement at the border through the invention of 'waiting zones' at airports (Makaremi, 2009).

Scholars in this field have therefore been particularly concerned with the ways in which the governing of mobility entails a transformation of state power or sovereignty to more disaggregated and differentiated forms (Andrijasevic, 2010). If processes of globalisation have somewhat unsettled the relationship between territoriality and nation state borders, the frequency of border deaths has brought the exercise of state sovereignty at a closer scrutiny. Humanitarian intervention at sea through search and rescue operations constitutes such a practice of sovereignty. As Parker and Andrer-Niseen (2012) argue, the spatio-temporal construct of state sovereignty no longer reflects the way authority and power are organised but rather that sovereignty is increasingly the "material of sovereign games" (2012, p.773). They therefore propose an idea of boundaries in which borders are subcategories and a field of action in which states can engage in (Parker & Andrler-Niseen, 2012, p.780). The Mediterranean migrations that preceded the Arab Spring and more recent exodus of displaced populations from conflicts in the Middle East have prompted scholars to rethink the border in terms of its topologies and sovereignties (Mezzadra &Neilson, 2012; Casas-Cortes, Corrubias &Pickles, 2015; Jones et al., 2017).

Scholars have early on expressed concern regarding the place of the border in contemporary border studies, which I perceive as a constructive critique to the CBS project: In 'Intervention on rethinking the border in border studies, published in Political Geography, Johnson et al., (2011) argued that the idea that borders are everywhere entails the risk of becoming complacent about its political significance. Instead, they urge to consider "where we look for evidence of bordering practices" (2011, p.62). This task becomes all the more relevant in the context of European border controls, where offshoring practices and the relationship between state and authority have been fundamentally tampered with. This in turn requires us to think more closely about 'who' borders. In the same intervention, Alison Mountz argues that seeing that the border itself migrates requires looking for the specific narratives and legal geographies that enable its migration. Similarly, she rejects the idea that "borders have been relocated elsewhere" and argues instead "that they have been reconstituted with enforcement methods in strategic locations" (2011, p.65). In order to map the border in this way, to cut as she argues through the heavily politicized and imprecise language used to describe borders,

scholars have made creative methodological choices such as cartography, ethnography and GIS (2011, p.65. At the same time, Salter invites us to look for the "practical performances of the border–-the actual politics of admission/expulsion and filtering process of the border" (2011, p.66), and the array of professionals and bureaucratic dynamics which "constitute the complex zone of decision".

Nearly six years later, another publication tackles the state of sovereignty at the border taking stock of the growing nationalisms and erection of walls globally at the time. According to Jones et. al., (2017) the following observation can be made:

> While borderlands and border lines remain significant, a series of new locations such as corridors, camps and spaces of confinement have emerged as key sites to understand the practice of sovereignty through borderwork (Jones et. al., 2017, p.1).

In the same intervention, Alison Mountz argues for a conceptualisation of the border as an island. She qualifies her argument by pointing to empirical evidence that demonstrates not only the proliferation of islands in border enforcement but also the reproduction of the form of the island beyond the island itself (Jones et al., 2017, p. 7).

By now, borderwork has acquired a definite humanitarian niche, as argued by Polly Pallister-Wilkins:

> Through the times and spaces of care-provision new border spaces come to be produced and new categories of life performed and consolidated. In short, new forms of borderwork emerge that complicate Europe's borders further. Humanitarian borderwork simultaneously highlights the violence of borders with serious, biopolitical consequences for life, while moving beyond biopolitics through the types of borderwork that attached values and meaning to a range of differentiated categories of people on the move (Jones et al., 2017, p.10).

For Pallister-Willkins, humanitarian borderwork bridges together rationalities of care and control, and it is in fact productive of new spaces, categories and actors. What remains to be explored is what these new categories of life are about, and how these are shaped around identities, bodily characteristics or notions concerning need and vulnerability.

Recent ethnographic explorations have led to further questioning of the ubiquitous border metaphor. Burridge et al. (2017), propose the notion of 'polymorphic borders' as a more adequate description of how "borders come into force through disparate, disconnected practices, through failures and gaps in services as well as through humanitarian protection

and religious outreach" rather than "the top down view of the everywhere border which bestows the state with more organisational competency, stability and capacity than it deserves" (2017, pp. 244-245). In interrogating the usefulness of the ubiquitous border metaphor, these critical geographical interventions emphasise the relevance of spatial practices and the presence not of a single, but multiple logics in the workings of inclusion and inclusion. Similarly, arguing from a sociological perspective, Andreas Müller (2013) rightly emphasises that equating borders to migration controls blurs the variety of ways in which migration controls occur across different locations. Instead, by looking at borders as institutions, it becomes possible to understand their political function as regulators between the inside and outside; it can also help us understand the motives behind different actors for engaging in border politics.

This thesis situates itself squarely within efforts to understand the spatiality and political significance of contemporary border work. My ethnographic exploration of vulnerability assessments in chapter four responds to the need of mapping the border at its multiple sites, not only discursively but also territorially, looking at its concrete materialisations within spaces of registration and detention, and on the bodies of individuals, migrants, refugees and asylum seekers. The intensification of border enforcement strategies during the past years have produced unimaginable suffering and violence. While it is not always easy to locate with whom decisions to exclude actually sit and what forms of administrative violence make that possible, I argue in chapter four that examining the concrete practices of filtering and decision making involved in the asylum process make it possible to identify the actors and the motivation and thinking behind their decision. It is a particular legal geography that takes shape in the hotspot of Lesbos, where the complex process of filtering through humanitarian borderwork does not always help highlight but rather obscures the violence implicated in border controls. By drawing attention not only to workings but also to the experiences of the legal and bureaucratic system of asylum, the thesis contributes to the field of critical border and migration studies and particularly to geographic perspectives within these interdisciplinary fields for which CBS has provided an important theoretical and conceptual platform.

1.2 Critical Readings of Humanitarianism

As the CBS literature suggests, humanitarianism appears increasingly in debates relating to borders, not only alongside emergencies and programmes that aim to protect those in need but also in order to regulate mobility. Having outlined the main conceptual and theoretical propositions in relation to critical border and migration studies I will now turn to discuss relevant literature from the interdisciplinary study of humanitarianism. I adopt the broad terminology 'critical readings of humanitarianism' used by Ryerson (2015), as I believe this formulation conveys not a preoccupation with humanitarianism per se but rather with ways in which the notion of humanitarianism is associated with concrete and specific projects of population governance. In this brief overview, I will now outline the current state of the art in relation humanitarianism and I will show how this has been developed specifically in relation to refugees and contemporary migration and border controls.

Critical readings of humanitarianism have surfaced from a variety of disciplines such as Anthropology, International Relations, History, Critical Theory, Critical Security Studies, Geography, Global Studies, Feminist Studies and Media Studies. By and large lacking a specific definition, this literature understands humanitarianism to be a contested concept (Barnett & Weiss, 2013; Forsythe, 2013; Ticktin, 2011; Sezgin & Dijkzeul, 2015). Beloni (2007) describes humanitarianism as:

> the worldview, aspirations, professional vocabularies and actions affirming the common dignity of humankind regardless of differences in race, gender, religion, national belonging, political creed, or any other accident of birth or contextual circumstance (Beloni, 2007, p.451).

However, as Beloni goes on to argue, the defining traits of humanitarianism as an ideology have been the political, economic and military interference in the domestic nurtured within the Westphalian morality and order. Accepted both as a force for good and at the same time ridden with paradoxes and ambiguities, humanitarianism is associated with the histories of race, human rights, the birth of development and aid, conflict and resolution – to mention but a few. A common platform for scholars who approach the study of humanitarianism critically is the rejection of an underlying assumption that sees the universalistic ethics of humanitarianism as ingenuous, at least in the way they are enshrined in international humanitarian law and refugee law and exemplified with the notion of universal humanity (Barnett, 2011; Douzinas, 2007; Kennedy, 2005). This broad rejection feeds into ongoing debates about the place of humanitarianism today, and its relationship to morality, emergencies and politics in particular.

The problem of the refugees and the displaced emerged as a key focus of humanitarian action. As early as 1986, Harrell-Bond discusses the impact of the interventionist logic in light of refugee management strategies. Around the time humanitarian organisations raised concerns about the growing aid dependency of refugees in the camps[7], the author drew attention to the growth of a dedicated, self-perpetuating UN bureaucracy which pointed to a culture of 'aid imposition'. As the first independent appraisal of an emergency assistance programme, their 1986 book raises a number of issues which remain relevant today, including the power relationship between those who give and receive aid. The changing strategies and policies in the development aid marked by an emerging security paradigm point to a shift in client focus, from refugees crossing borders to assisting those internally displaced from war. Following Duffield (1997, p.339) "the new aid paradigm is adapted to manage the effects of global polarisation, social exclusion and protracted instability". Similarly, the shifting away from refugees to a focus with the internally displaced reflects what Duffield (1997) argues is a separate development within the global economy, whereby instability is contained in small areas while wider conflicts that create refugees remain largely unaddressed.

Critical scholars reject representations of humanitarianism as set of actions and principles based on a selfless devotion to alleviating the suffering of others and instead see it as embedded within historical practices (Barnett, 2011; Edkins, 2003). Linking once again humanitarianism with the question of refugeeness, Lisa Malkki's much cited ethnography of displacement *Purity and Exile* (1985) sought to examine among other "the contingent sociohistorical process of making and unmaking categorical identities and moral communities" (Malkii, 1985, p.24). The refugee stands opposite a widely accepted 'national order of things' as an essentialised figure that requires to be normalised and managed by humanitarian agencies. In later writings Malkki (1996) explicitly demonstrated the role of NGO's in reproducing a de-politicised, de-historicised subject through the representation of refugees as the absolute victims, or "speechless emissaries" (Rajaram, 2002). De Wall's

[7] These concerns are best encapsulated in the UNHCR's RAD approach, which developed during the late 1970s. RAD stands for Refugee Aid Development. RAD was oriented towards achieving self- reliance for refugees and minimising the impact on local communities, with a view to shift from assistance towards empowerment. For an informative analysis of the approach see Sarah Meyers' (2006) "The 'refugee aid and development 'approach in Uganda: empowerment and self- reliance of refugees in practice" *Research Paper 131* New Issues in Refugee Research. Available for access online: https://www.unhcr.org/4538eb172.pdf

(1997) intervention on the famines in Africa shares similar concerns over the 'depoliticizing' effect of the international humanitarian regime that stopped the articulation of political solutions by making the problem appear to be a 'technical' one.

By the 1990's refugees assistance was only one of the many diverse areas in which humanitarianism was practiced, progressively encompassing a variety of actors engaging in more than relief projects, such as peace making and development assistance. Following Barnett (2005), humanitarianism underwent two major transformations: first its expansion and politicisation, as humanitarian agencies begun workings alongside states, and second its institutionalisation, meaning that it became increasingly standardised, bureaucratised and professionalised, partly due to increasing demands on legitimisation of their activities. As a consequence, "humanitarianism is now precariously situated between the politics of solidarity and the politics of governance" (Barnett, 2005, p.734). In this conceptual turn, humanitarianism is regarded less as a spontaneous response to emergencies and more as an international organised effort to reduce suffering targeting the well-being of the most vulnerable populations (Barnett, 2013). The term 'new humanitarianism' encompasses aspects of these transformations alongside the incorporation of a rights-based approach and development relief and is seen as breaking away from 'traditional' humanitarian action. Academic debates in this period focused on new humanitarianism's implications in relation to humanitarian ethics, principally the question of impartiality and neutrality (Barnett, 2011; De Waal, 1997; Rieff 2002; Weiss & Minear, 1993). Such scepticism resonated with many practitioners too. While "the new world clearly needs a new humanitarianism" (Fox, 2001, p. 288), it also presents many dangers, not least the loss of humanitarian space and that of producing a hierarchy of victims once the universality principle has been replaced by politics (Fox, 2001).

With regards to ethics, an important association has been made between militarism and humanitarianism. The dilemma between the 'responsibility to protect' (R2P)[8] and the

[8] R2P refers to a principle endorsed by the United Nations General Assembly in 2005. According to the UN Office on Genocide Prevention and the Responsibility to Protect, the principle "seeks to narrow the gap between Member States' pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity". It came as a response to the genocides in Rwanda and the Balkans and underlies a view of sovereignty that stems from the responsibility of states to assist each other when their populations are in need, instead of seeing sovereignty as protection from outside interference. https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml.Last accessed 29.03.2020

‘responsibility to sovereignty’ (Williams & Bellamy, 2005) illustrates the tensions within and between humanitarianism, security and human rights (Forsythe, 2013; Storey, 1997). The responsibility to protect has been widely criticised as potentially encouraging unilateral military action on the ground of preventing humanitarian catastrophes and was associated with the involvement of humanitarian actors in the interventionism in the late 1990s (Barnett & Weiss, 2008; Belloni, 2007; Devon, 2001; Kennedy, 2004; Weizman, 2011;). Relatedly, the concept of ‘humanitarian war’ born out of the responsibility to protect dogma is understood as bringing traditional humanitarian principles under attack. Duffield et. al., (2001) address humanitarian actors with cautionary remarks:

> Humanitarian agencies need to be aware that there is a conflict between traditional humanitarian principles on the one hand, and the conflict management principles underlying liberal peace and stability on the other. Agencies should be conscious of their role, should understand the implications of the encroachment of politics into humanitarian space and should be clear about which principles they wish to uphold (Duffield et. al., 2001, p. 273).

Critical readings of humanitarianism have drawn extensively from critical theory and Foucauldian theories of power, government and biopolitics, giving impetus to an analysis between humanitarianism and liberal government of life. Foucault’s genealogical approach to contemporary government begins in the eighteenth century, through the activities of controlling and securitising populations, and later those of a liberal regime, with the introduction of market forces into the field of power. What the work of scholars who have since followed on his heels has in common is that these writings try to understand the ways in which humanitarianism relates to broader transformations in the governance of human life. According to Barnett,

> In contrast to a political science tradition that tends to focus on how states and nonstate actors produce cooperation and expand welfare, an approach to governance inspired by critical theory explores the global project to shape lives, habits, dispositions, and institutions in order to improve the well-being of people (2013, p.381).

For Fassin, humanitarian governance may be defined as “the administration of human collectivities in the name of a higher moral principle that sees the preservation of life and the alleviation of suffering as the highest value of action” (2007, p.151). Humanitarians govern with moral and expert authority (Barnett, 2011, 2013), and in the process, create relationships of power and domination (Fassin, 2007 cited in Squire 2011, p.32). Furthermore,

humanitarian imperatives, such as the responsibility to protect or the right to intervene to save lives have historically transformed sovereignty. This was true in the past, where humanitarian objectives and colonial governance worked in tandem to sustain the conditions of humane treatment of those who have been violently colonised (Lester-Dussart, 2014). It is as true today, evident in the ability of humanitarian organisations to rapidly move from one crisis zone to another exercising authority in the form of mobile sovereignty (Pandofli, 2003).

Besides regulating populations, which is the broadly defined meaning of biopolitics, humanitarianism has also been conceptualised as a politics of life: this politics of life in contemporary societies "is not only about a question of governmentality, but also about the meaning attached to life and the stakes of governing" (Fassin 2007, 500). Foucault (1991) saw the distinction between worthy and unworthy lives as being at the heart of biopolitical governmentality: "racism justifies the death-function in the economy of biopower by appealing to the principle that the death of others makes one biologically stronger" (1991, p. 258). Although the politics of make live and let die share many similarities with the functioning of humanitarianism as a differential valuation of life, Fassin (2012) wishes to distance his analysis of the variation in the valuation of life from Foucault's notion of biopolitics that concerns the population in its entirety. There is a distinct type of reasoning invoked by humanitarianism, which he calls humanitarian reason. Humanitarian government in this way works through humanitarian reason to target precarious lives in particular: by mobilising discourses of compassion, suffering and responsibility to humanitarian protection "it presupposes relations of inequality… Humanitarian government is indeed a politics of precarious lives" (Fassin, 2012, p.4). Vulnerability assessments in the hotspot of Lesbos linger between an oppressive and humanitarian government.

Humanitarian reason can be detected against the trend of the depoliticisation of asylum. Fassin shows how the gradual loss of asylum credibility has been replaced by a focus on illness as legitimate grounds for gaining residence permit in France, where "the logic of compassion now prevailed over the right to protection" (2012, p.245). At this point, he argues, the politics of life come to resemble Agamben's[9] distinction between *bios* (as a

[9] Overall, the concept of biopolitics has been very influential when applied to the examination of how certain lives dubbed as precarious lives-asylum seekers being such an example, are managed. Amongst the most prominent theorists in this field is the Italian philosopher Giorgio Agamben. He has developed a theory of biopolitics based in Foucault's assertion that the concepts of power and life need to be redefined in order to reflect the ways in which life becomes the preoccupation of government. I will here briefly summarise his

political relevant life) and *zoe* (as the mere corporeal existence). In other words: "being in danger because of one's political activity or one's belonging to a persecuted group is secondary to the threat to one's body from pathology" (2012, p.145). Meanwhile, humanitarian reason is not unbounded. Eventually, the number of positive decisions on medical grounds had to be gradually reduced by deploying further criteria in order to minimise positive decision on asylum claims. By discussing humanitarianism in relation to contemporary restrictive immigration and asylum policies, the focus moves away from humanitarian practise and instead underscores humanitarianism's function as a prevalent way of conceiving and addressing the needs of those lives that have been rendered precarious. Miriam Ticktin (2005, 2011) understands the policies of exceptional humanitarianism that target the bodies of the seriously ill or violated as an 'anti-politics of care', whereby efforts to preserve bare life perpetuate the power relations which create corporeal vulnerability in the first place. This thesis understands vulnerability assessments to be a method of selection and distinction grounded on humanitarian reason and in this way, it offers an empirically grounded critique to it problematising the spatial logics in place which remain unproblematised.

The temporalities of humanitarianism with its rapid growth into an international organised system of intervention are also characterised by its expansive spatialities. Refugee camps remain to date as one of the most iconic spaces of humanitarian governance. Refugee camps have been studied as 'extra- territoriality zones" (Agier 2011, p.71), where the 'bare life' of refugees is seen as legitimising sovereign power. Similar to Malkki's (1995, p. 505)

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proposition regarding the concepts of life and sovereignty as they will be referenced later on in the thesis. Agamben develops a notion of biopower that is ultimately connected with the question of sovereignty and law. He is particularly interested in a form of life that is biological and he indicates that with the Greek concept 'zoe' in order to differentiate it from political life indicated by the notion of 'bios'. Zoe, or bare life as he calls it, is personified in the figure of the homo sacer, the latter being a political-legal figure indicating a person who has been accused and sentenced for a crime. The homo sacer is unprotected by law, because his accusers can kill him without being persecuted for doing so. In this way, he is included in political life through his exclusion. His existence inaugurates the biopolitical power of the sovereign, the power over life, since the it allows the homo sacer to enter the legal order through its exclusion from it (Agamben, 1998). For Agamben, refugees embody the concept of bare life, because they are included in legal and political spheres through their exclusion. The fact that they are made to live in camps signifies their exclusion from politico-juridical life and their existence only as bare life worthy to be the object of humanitarian and not political concern. From this examination of bare life stems his understanding of sovereignty. Accordingly, the sovereign establishes himself through his decision on the exception. In turn, it is the juridical process is established by the exception. In his words: "If the exception is the structure of sovereignty, then sovereignty is not an exclusively political concept, an exclusively juridical concept … it is the originary structure in which law refers to life and includes it in itself by suspending it" (1998, p.28). Together the decision to include and exclude on the one hand and the exception on the other establishes and makes visible sovereign power.

description of the refugee camp as 'an apparatus for the control of space and movement', Michel Agier perceives refugee camps to be a paradigmatic space of power over life (2010, pp.32-34). Agier presents an inventory of camps out from which four types stand out: the self-installed and self-organised, "established in the absence of the hospitality yet remaining under surveillance"; the sorting offices situated at European borders "designed to channel, deport or redirect movement"; the third and fourth types are respectively those 'traditional' refugee camps composed of tents and officially managed by UN agencies, and the camps for the internally displaced, which he describes as human reserves (Agier, 2010, p.36). For Agier, an encampment apparatus is understood to operate as a network where individuals, practices and forms of knowledges are in perpetual motion. The reference to Agier's typology of camps serves the purpose of situating Moria hotspot within the encampment strategies mobilised to keep the undesirables either at bay or endlessly circulating. It is also to emphasise that what is at stake in these spaces is the forms of governance implemented overall, and the forms of categorisation upon which life inside the camps is managed and biopower is deployed in particular. Here, the notion of vulnerability has a double function: "inside the camps, the category of 'refugee' is itself divided into several distinct subcategories of 'vulnerability', which end up creating a hierarchy of misery" (2010, p.39). On occasions, individuals claim recognition of vulnerability in ways that does not match the subcategories put in place by humanitarian organisations. In this way refugees re-politicise vulnerability, by shifting its categorical definition to one that resonates with their experiences. Vulnerability then "becomes a word in an egalitarian discourse by which a political subject acts against the assigned identity of silent victim" (Agier, 2010, p.40). If humanitarianism has the power to define which vulnerabilities mater and which do not, so do individuals may find ways to redefine what it means to be vulnerable from their own perspective in order to seek political solutions.

The management of life in refugee camps is taken up in Hyndman (2000), who brings together Foucauldian and post-colonial perspectives to account for the practices of management and discipline she calls ordering disorder. Such practices include technologies of recording and reporting, which portray a way of knowing the refugee population that link the humanitarian present with the civilising missions of the past. International humanitarian assistance and its political, economic and colonial underpinnings enable the movement of some but not others. In this way, Somali refugees in Kenya are economically, spatially and politically segregated in camps near border regions; they are prohibited from requesting

asylum, moving freely around the country or securing employment. Their encampment is facilitated by money flows from donor governments in the north as well as local and supralocal understandings of who are the refugees and what are their needs. The containment of refugees within waring countries and their prohibition to cross borders signals a respatialisation of responses to human displacement that we see exacerbated today in EU's policies of asylum externalisation and strict border enforcement.

Scholars have remained attuned to processes of transformation in which humanitarianism is implicated. If the refugees are characterised as "undesirables" (Agier, 2011), then those who inhabit the global borderlands can be perceived as the "worlds' uninsured" (Duffield, 2010). In this way, humanitarianism works through marketisation and 'good governance', to discipline those whose lives are most precarious. In parallel with concerns over security and development, there is a shift in humanitarian practice from managing disasters to managing emergencies. By becoming an international organised form of governance as I have shown earlier, humanitarianism has begun to invent new areas of intervention that identifies those interventions as urgent. The intensification of humanitarian emergencies, as Calhoun (2010) poignantly argues, both attests to the growing influence of humanitarian actors as those with the power to declare them; but equally it accounts for the need to transform "ungovernable people to governable populations" (Reid-Henry, 2011). The author takes inspiration from Foucault's notion of political rationality when he argues that humanitarianism today can be better understood as 'liberal diagnostic': "a recursive moral practice that helps constitute a liberal politics as much as it projects that politics onto other people and places" (Reid-Henry, 2011, p.418). Humanitarian concepts of risk and the moral management of population are embedded within geographical and historical contexts. As a form of government, humanitarianism tells us "how people who suffer today are to be thought about even as it reaches out to them" (Reid-Henry, 2014, p.426). Building on this conceptualisation, Pallister-Willkins has recently developed a reading of hotspots as humanitarian. In her words:

> As a response to the migration crisis, the hotspot approach works to re-inscribe processes of violence that render humanitarian protection necessary in the first instance and suggest how care and control are performed as part of a wider European government (Pallister-Wilkins 2018b, p.4).

As already alluded in section 1.1, critical border scholars have incorporated critical readings of humanitarianism in order to reconceptualise the border in a manner that reflects contemporary migration and border control practices. I would like to close this section by

giving a brief overview of scholarly work that problematises the deployment of humanitarian rationalities in relation to the security framed objectives of border controls, in order to illustrate deeper the powerful appeal of humanitarianism as a discourse of population management, which is a central focus of this thesis. A number of scholarly endeavours focus on how humanitarianism is deployed alongside discourses of security (Aradau, 2004; Huysmans, 2006; Bigo, 2002, 2014; Campesi, 2014; Squire, 2009; Stierl, 2018; van de veer & Dijstebloem, 2019; Vaughan-Williams, 2015). Humanitarianism and security reinforce each other both within policy documents but also in practice. The EU border agency, FRONTEX, has come under scrutiny, particularly in regard to the presence of human rights and humanitarian discourses alongside with policing in its work, which is understood as operating in tandem or as legitimising the latter (Aas & Gundhus, 2015; Perkowski, 2018). Polly Pallister-Wilkins, (2015) illustrates that border policing combines practices of care and control, while Moreno-Lax (2018) explains how contested practices of deterrence at sea such as that of boat interdictions are reframed as humanitarian by deploying narratives of life rescues. In combining security objectives with humanitarian concerns, Basaran (2015) argues that the increasing sanctioning of maritime rescue including through legal means points at governments shaping the conduct of people towards indifference to the lives of particular populations. Humanitarianism is in this way seen as facilitating bordering tactics. For instance, states mobilise humanitarian arguments to promote the creation of extraterritorial camps for asylum seekers as these would supposedly prevent migrant deaths (Hess & Tsianos, 2007; Anderson, 2014). Alas, the relationship between humanitarianism and security is not an inverse one, which means that more humanitarianism does not equate to less suffering or less security: "humanitarianism at the border can produce more bad than good" (Ticktin, 2016, p.256).

Humanitarian border security is by no means restricted to EU-border controls. On the other side of the Atlantic, Jill Williams (2011) documents how the militarisation of border controls after 9/11 were couched in the humanitarian language of vulnerability and protection which drew explicitly on racial and gendered stereotypes. This is accomplished through a re-articulation of border crossing as a human smuggling issue and the blurring of arrests with rescues:

> State discourses feminize migrants both literally and symbolically. Migrant women are systematically over-represented in US Border Patrol press releases detailing rescue attempts, while migrants, regardless of gender, are framed as helpless victims in need of protection by the hyper-masculinized US Border Patrol (2011, p.422).

In this way, humanitarianism constitutes a moral line of defence not only for states but also for patrol agents who are tasked with rescue-arrests. Little and Vaughan-Williams (2017) similarly problematise the increasing links between humanitarianism and securitisation in relation to transnational border controls and migration management in both Europe and Australia. As they argue, a key characteristic of the transnational governmental logic of compassionate borderwork is the purported desire to save lives, which is always accompanied by the need for more border security: "the very lives that are identified as in need of protecting and saving can also become targeted by lethal apparatuses of security" (2017, p. 551). As a biopolitical technology, compassionate border work lies between enhancing and diminishing life (positive and negative paradigms of biopolitics). This paradox is particularly visible in contemporary interventions at sea where it is not clear whether boats are intercepted in order for lives to be saved, for boats to be returned or for refugees on board to be abandoned.

As this short overview has shown, humanitarian solutions aiming to ease the suffering of others have resonated in a variety of geographical contexts and areas of social life. Humanitarian rationality, the moral compass of the contemporary governance of precarious lives, with its focus on biological life, prioritises the body's pathology over the political reasons for its persecution. Vulnerable bodies therefore take the centre stage, deflecting from questions of accountability and responsibility in relation to what caused their precarity in the first place. This has been examined particularly in relation to the humanitarian management of refugees in camps but also more recently in the changing policies of asylum in Europe. The latter is of particular relevance to this study. As asylum seekers are routinely depicted as law breaking criminals, compassion offers an alternative way of diagnosing who may stay and who should go. Similarly, the growth in recent years of humanitarian logics and practices alongside objectives of border control have rekindled notions of humanitarian victimhood as a way to downplay the violent strategies that institutional actors such as border agents deploy at the border.

While these observations are important in discussing processes of managing and disciplining mobile populations, they do not account for the ways in which vulnerability, understood not only as victimhood but also as a claim to entitlements, forms part of the humanitarian morality of contemporary immigration and border controls. In other words, how does

vulnerability thinking help redefine who gets access to services and who does not? Specifically, when it comes to borderwork in the hotspot, vulnerability is deployed as a tool which assists institutional actors in their decision to include or exclude from the asylum process. This formulation is not based necessarily on the logic of compassion but rather on the legal obligation to prioritise the needs of those considered vulnerable. It is essential therefore to look at the workings of vulnerability not only as a sub logic of humanitarian rationality which seeks to mediate or remedy the violence of borders but also separately, as a notion that resonates within contemporary forms of border and immigration governance more broadly. This is what I turn to do in the next and final section of this chapter.

1.3 **Engaging Vulnerability: critical and geographical approaches**

Vulnerability is a multifaceted concept, often used to describe whole populations or situations and covers a widening semantic field. It is commonly associated with the notion of risk and resilience alluding to an individual's or a system's susceptibility to harm and/or exploitation and ability to recover, while it may evoke the status of fragility and conditions of economic and social precarity. Academic engagement with the concept spans across disciplines and time (Fineman, 2008; Gilson, 2016; Brown, Ecclestone & Emmel, 2017). Vulnerability tends to be either taken for granted, as a 'fact' that characterises life or it is fiercely debated in relation to its underlying assumptions and effects (Cole, 2016; Luna, 2019; Reid, 2011. There are ample definitions that pertain to the way in which vulnerability is approached, from different vantage point and in a given scientific terrain.

My critical interrogation of vulnerability in the context of immigration and border controls proceeds in two main parts. First, I discuss the theoretical background upon which the notion of vulnerability has been constructed in critical academic thought as both enabling critical political analysis and obscuring power relations (section 1.3.1). I then discuss how institutionalised understanding of vulnerability, such as those stemming from legal documents immigration policy and asylum law create binary distinctions and foster exclusionary politics which directly impact on processes of immigration and border controls. In the second part I take stock of current developments around vulnerability thinking in geography as a concept that goes beyond serving as a metric of social well-being and rather can be used to analyse experiences of marginalised groups as these result from different forms of violence (section 1.3.2).

1.3.1. **Political and philosophical dimensions of vulnerability**

As an existential condition, vulnerability affects everyone. However, certain people experience vulnerability (just like precarity, violence or injustice) disproportionally to others. For instance, migrants are conditioned to live without intimacy through practices of detention, dispersal and family separation; they are also excluded from citizenship and suffer precarity in their legal status. The ways in which we conceive ourselves and others as vulnerable, the criteria used to delimitate this vulnerability and ways in which we respond are ethical and political questions. Borrowing from scholarship in philosophy, feminism, critical theory, legal studies and geography I begin by briefly sketching out the ways in the vulnerability has been problematised as a notion and then explain what the political implications of this problematising might be.

As a normative concept, vulnerability has been problematised philosophically alongside theories about the human condition (Murphy, 2011; Levinas & Robbins, 2001; Walsh, 2011). We are aware that our bodies exist in themselves and in relation to the world as ontological structures, organic forms and material basis for our lives; and so does vulnerability form an intrinsic feature of our corporeal existence. Phenomenological approaches stress that vulnerability has many faces that become perceptible to us through its lived embodiment (Staudigl, 2013; Boublil, 2018). Yet focusing only on that which is visible does not necessarily uncover vulnerability but rather it must also be recognized as a condition that is not always visible as such (Murphy, 2018). In this way, the basis for understanding vulnerability lies in its relational ontology, whereby its meaning is co-constituted by the fact that of our relational existence and the many ways in which vulnerability structures our existence. Gilson has described the embodied and relational nature of vulnerability as such:

> Ontological vulnerability is an unavoidable receptivity, openness, and the ability to affect and be affected. Situational vulnerabilities are the specific forms that vulnerability takes in the social world of which we have a differential experience because we are differently situated (2014, p.37).

One of the most influential theorisations of vulnerability relates to its potential to form the basis on which political claims can be made, especially when grounded on the ethics of interdependence and embodied relationality. What glues scholars together is their opposition to ‘invulnerability’ and a will to redefine vulnerability in order to dissociate it from its links to victimhood and lack of agency (Mackenzie, Rogers & Dodds, 2013). The transformative

promise of vulnerability relies on its conceptualisation as an "ontological condition of humanity" (Rogers, Mackenzie & Dodds, 2012, p.19). In particular, our desire for change stems from within our human fragility and recognition of our ontological suffering as "this very fragility is what requires us to work harder at cooperative forms of interrelation and normative forms of intersubjectivity" (Paterbirdge, 2016, p.601). This postulation commonly referred to as the "vulnerability thesis" or "universal vulnerability" has fed into such diverse discussions as bioethics (Hurst, 2008) and theories of social justice and social care (Fineman, 2008, 2019; Fawcett, 2009). The latter are concerned with undoing the individualistic conceptualization of citizenship and autonomy in modern liberal democracies (Fineman, 2010; Nussbaum, 2006; Mackenzie et. al., 2013) and from there, to rethink the project of human rights (Turner, 2006; Fineman & Grear, 2016). Accordingly, citizenship needs to be ethically rethought, not as an antagonistic relationship between the rights of independent citizens "against each other and the state but rather as those of mutually-dependent and vulnerably-exposed beings whose capacities to develop as subjects are directly and indirectly mediated by the conditions around them" (Dodds, 2007, p.501).

Vulnerability has been a vexing concept for feminist theorists, not least because of its association with dependency, feminity and weakness (Murphy, 2012). For instance, by advocating against injustices faced by women, there is always the danger of reinforcing gender stereotypes and paternalism (Butler, 2016). In response some theorists have sought to redefine vulnerability. Gilson (2016), for instance, looks for ways to respond to phenomena of gender-based violence without falling into the trap of victimising women sufferers. For her, both the negative understanding of the notion as susceptibility to harm and its attainment as a cultural norm ('we are invulnerable in opposition to those we name vulnerable') demand closing oneself to certain social relations and perpetuates oppression; instead, knowing why and to what someone is vulnerable allows us to prevent our vulnerability from being exploited in ways that we neither reject our vulnerability or victimise ourselves. Mackenzie et al. (2014) attempt to tackle the problem by proposing three typologies namely inherent vulnerability "as intrinsic to the human conditions", situational vulnerability as "context specific" and pathogenic vulnerability which and politically induced by injustice and oppression (2014, pp. 7-9).

Judith Butler has engaged extensively with the notion of vulnerability through the perspective of critical theory. Hers is a political approach to vulnerability as she tries to grapple with

contemporary events such as war, which breed insecurity, self-closure, dispossession and fear. Early on in her book, Precarious Life, she argues that in sharing a universal vulnerability, we are not all subjected to the same degrees of violence. Her understanding of vulnerability as corporeal ontology is conveyed through her account of the sociality of the human body: "the body implies mortality, vulnerability, agency" (Butler, 2003, p.26). Since we are all exposed to various degrees and forms of violence, life's precariousness generates positive obligations towards others. Our precariousness becomes a way of imagining community "as an ongoing normative dimension of our social and political lives, in which we are compelled to take stock of our interdependence […]and the place of violence in any such relations" (Butler, 2003, p.27). In *Frames of War* she puts forward the argument that by denying the generalised condition of precariousness, states deny the conditions for making 'liveable lives' possible. Butler makes a distinction between precariousness and precarity. Unlike precariousness which conveys a social ontology, precarity is situational and refers to a "politically induced condition in which certain populations suffer from failing economic and social networks" (Butler, 2009, p.25). Later on, she introduces the additional dimension of governmental precaritization to mean "the process of acclimatising a population to insecurity" (Butler, in Butler & Athanasiou, 2013, p.43).

Butler's work is less concerned with a systematic exposure of the political conditions that create precarity and more with those in power who lack the ability to acknowledge precariousness. At the center of her work lie a preoccupation with how subjects are reconstituted and the struggles for recognition that emerge as a form of power relations. One of the themes picked up in *Frames of War* relates to the ways in which norms operate through law. As the case of the US's extra-legal treatment of Guantanamo prisoners shows, laws manipulate the norms of recognition by making certain people less human or by making them vanish from the grid of lives that are worth living. "To appear before the law, means that one is positioned to be entered there, which means that there are norms that condition the subject who can and does appear (Butler, 2009, p.140). To challenge those norms, we would have first had to recognise them for what they are and do. Recognition might be cognitive or affective. She gives the example of grieving, understood as an affective reaction to loss and violence, as having the capacity for resignification against the disciplining effects of norms, because it affirms a life has been lived rather than ignored. Her thoughts on norms and the constitution of subjectivity are relevant when examining the assignation of vulnerability to particular groups such as asylum seekers. Because laws work as a framework of

intelligibility, she cautions against the tendency of legal regimes to speak of vulnerable groups as they render them immediately as objects of state protection, while simultaneously depriving them from their political agency and meddle with people's general capacities of recognition. Accordingly, adopting the concept in resistance struggles may lead to strengthening paternalistic power (Butler, 2016, p.25). I side with Butler that in the context of state practices, the assignation of vulnerability does not imply a full recognition of life's precariousness but rather, when apprehended as a relation of power, it exposes the authority behind it. I argue, however, that it is not enough to stop at exposing the authority that leads to misrecognition. Rather, it is important to examine the relationship between state-induced precarity or precarisation and the recurrent use of the vulnerability framework in projects of government. Although vulnerability categories recognise the existence of some vulnerabilities they are also a form of exercising power as all classifications following the Foucauldian tradition.

Butler's political philosophy of vulnerability and the vulnerability thesis more broadly have attracted criticism. For instance, the idea that vulnerability can form the basis for a systematic critique of contemporary problems such as that of insecurity has been challenged through its association with the notion of resilience and its prominence within humanitarian and disaster discourses and programmes. The two notions are often conflated. By being asked to adapt, respond and quickly recover from adversity, argue Evans and Reid (2014), individuals must first accept their vulnerability. "The underlying ontology of resilience is therefore vulnerability" (Evans & Reid, 2014, p.84). The resilient subject is in this way a particular subject of liberal governance demanded in this age of constant exposure to risk and insecurity. The danger stems not from denying our vulnerability but rather from accepting it as a fact of life and taking measures to adapt in an increasingly insecure world. They see Butler's ontology of vulnerability as an aesthetic discourse deeply rooted in liberalism. Accordingly, so far as it assumes an authentic basis for every human subjectivity, they believe it amounts to what Foucault termed an imperative statement. Reid (2011) engages Foucault's genealogical approach to make a similar argument regarding the proposition of a fundamental ontology of vulnerability when he writes: The subject's vulnerability, based on exposure to an unknown and dangerous domain of relations, instantiates the very demand for protection on which liberal governance depends for its legitimation in relation to the subject" (Reid, 2011, p.773). Criticism has also been directed towards Butler's failure to discuss the specific mechanisms that lead to precarity and precariousness or the multiple ways in which

precaritisation manifests in people's lives, rendering her analysis not fully fledged and thus embryonic (Loyd, 2015).

Similarly, scholars have likened the doctrinal defense of a vulnerability ethics to a "get out of jail free card" (Brown, 2012, p.318) neglecting the complexities of transposing a normative notion of vulnerability onto discussions about citizenship, particularly in relation to the ways in which this underwires neoliberal strategies of citizen responsibilitisation in welfare domains (Brown, 2014; Brown, Gambetti & Sabsay, 2016). Furthermore, vulnerability has been associated with the intensification of social control that perpetuates forms of exclusion and is predicated on shifting social behaviors (Brown, 2015; Mclaughlin, 2012; Eccleston, 2016). As a language of politics, universal vulnerability has been met with growing skepticism from radical feminist, queer and critical race scholars (Koivunen, Kyrölä & Ryberg, 2018). Reflecting on the *Black Lives Matter* movement, Alyson Cole openly questions "what benefits does the acceptance of vulnerability offer to the disadvantaged" (Cole, 2016, p. 274), arguing that the project of de-victimisation fundamentally obscures the road to concrete political actions that can address injustices. The question of whether vulnerability enables or repudiates politics is still open. Ferasse (2016) however makes a poignant argument about what she calls an incompatibility of grammars and a problem of the inaudibility of weakness in political languages: "the concreteness and the singularity of needs and suffering clash with the vocabulary of justice, generality and sovereignty, which comprise the political sphere as we know it" (Ferasse, 2016, p.156). As she explains, there are not many ways to articulate vulnerability in the sense of interdependency, as political propositions are more often couched in the language of autonomy. Far from de-politicising then, vulnerability invites us to "redefine the political subject" (Fersasse, 2016, p.158).

By its association with processes of government and subjugation, vulnerability at times overlaps with the concept of marginalised groups. One problematic aspect with this association is that it tends to obscure the social and structural causes behind marginality by conflating it with the lived experience of corporeal vulnerability (Kuivunen et al., 2018). To what exactly are marginalised groups vulnerable? As Sara Ahmed (2004) has shown, feelings of anxiety and threat against imagined others very easily assume the character of a national risk blurring the boundaries of who appears marginalised or will become vulnerable. Such bracketing is not uncommon in research ethics manuals where marginalised people and vulnerable groups are presented next to each other as socially deficient (Fisher, 2010; von

Benzon & van Blerk, 2017). Recognising that the notion of vulnerability is evoked in many spheres of our social world, as a language that is easily manipulated, is a first step in the direction of problematising the assignation of vulnerability to asylum seekers. Even more so because the conditions under which the process of assignation takes place are dehumanising and violent. Indeed, the fact of being designated as vulnerable tells very little about the conditions of abjection and marginalisation to which they are exposed or what it means for the individual to be identified as such. By looking at the way in which the concept has been operationalised within border regimes, I take inspiration from these debates in seeking to establish under what circumstances the recognition of asylum seekers as a vulnerable group address their politically induced precarity.

Protecting the vulnerable is today a core ethical statement of modern societies enshrined in law. The European Court for Human Rights (ECtHR) acknowledges asylum seekers as an inherently vulnerable group due to the vulnerability of their legal status, while also recognising that certain categories of asylum seekers are particularly vulnerable (ECRE, 2017). EU asylum law, principally through the Asylum Procedures and Reception Conditions Directives, provides guidance to member states privileging the latter interpretation. States are legally required to make provisions for the identification and subsequent treatment of vulnerable asylum applicants, whose vulnerabilities are framed in the language of special needs. The Directives distinguish unaccompanied minors, lone parents, victims of sexual abuse and torture and physically impaired people among the immediately and visibly vulnerable (ECRE, 2017). Following Butler (2003), these criteria can be understood to have crystallised from within socially accepted norms of what vulnerable individuals are recognised to be. As a result, additional interpretations of vulnerability float and compete with each other within member states' legislation and asylum systems and are added to the individualised legal scrutiny with which asylum seekers are met today.

Legal scholars have welcomed the frequent deployment of the concept of 'vulnerable groups' in the European Court of Human Rights (ECtHR) with cautious optimism. For instance, Peroni and Timmer (2013) illustrate the risks that the inherent open-endedness of the concept entails in relation to policing the boundaries of who belongs to that group. While they commend the Court's endorsement of a relational, harm-focused approach to vulnerability they point to the dangers of compartmentalising vulnerabilities according to specific group experiences, including that of imposing protection in cases that this may not be needed. As

Fineman already pointed out, the law's function of categorisation cannot endorse an understanding of vulnerability as embodied, dynamic and changing, but rather conforms to the model of one-dimensional liberal subject (Fineman 2008, p.11). Being part of the asylum process, categorical vulnerability understood as the result of a process of legal vulnerabilisation becomes a marker for international protection.

The most glaring consequence of institutionalised vulnerability relates to the intensification of one-sided, categorical labeling of persons as vulnerable or not. As Burghardt (2013) notes, while such categorical ascription are common among regulatory frameworks employed for organisational purposes, "the naming of particular groups as vulnerable de-problematises the naming process and discourages critique about how these groups are discursively constructed in the first place" (2013, p.563). Besides the important issue of impeding self-autonomy or the ability for members of these groups to make decisions for themselves, static labelling often informs wider policy decisions which impact other groups. As Eastmound and Ascher (2011) discuss in the case of Sweden, the state's efforts to protect unaccompanied children considered a *de facto* vulnerable group from destitution misplaced issues of bad governance with narratives about victims who need to be prioritised versus untrustworthy "others". Such generalised distinctions between the 'vulnerable' and the 'not vulnerable' often accompany dilemmas of protection during times of perceived or real crisis. For instance, Smith and Waite (2019) explain that during the 2015 refugee crisis, the UK government opted for organised resettlement programmes privileging certain refugee groups while further discouraging spontaneous asylum seeking on the basis that the former constitutes a vulnerable group. Conversely, policies of re-routing the most deserving justify political inaction and the "sanctioned abandonment" of the undeserving in camps elsewhere (Koch, 2015). Similarly, and in acknowledging the emergence of a legally defendable notion of vulnerability as something potentially beneficial to some, it is important to bear in mind that when law or policy changes, who counts as vulnerable changes as well.

1.3.2 **Geographies of Vulnerability**

Vulnerability is a long-standing concept in the discipline of geography. Drawing on the paradigm of critique to international development, the notion has been theorised for the purpose of analysing diverse factors, structurally and individually, that render persons vulnerable to poverty and hunger or being at risk (Blaikie, et. al., 1994; Wisner, 1998). Chambers' (1985) seminal work proposed that there are internal and external factors

influencing vulnerability, whereas Watts and Bohle characterised vulnerability as "a multi-layered and multidimensional social space defined by the determinate political, economic and institutional capacities of people in specific places at specific times" (Watts & Bohle, 1993, p. 46). The focus here is on social vulnerability and the approach is predominantly one of theorising vulnerability as a metric of social well-being. The apparent relationship between nature and society led geographers to theorise vulnerability in regard to disaster management, climate change, population, cities and demographics, while drawing on the paradigm of resilience, adaptation and risk (Adger, 1996; Cutter, 1996; Cutter et. al., 2008; Bankoff et. al., 2004; Bohle, 2007). Efforts to theorise a normative notion of vulnerability as the attainment of human security have led to the development of indicators and models for measuring social vulnerability and monitoring progress in vulnerability reduction, bringing in the role of institutions in these processes (Wisner, 2016).

One of the earliest attempts to problematise refugee vulnerability by pushing the boundaries of the notion as a social metric is Richard Black's 1993 study of refugee vulnerability in Greece. Bringing together welfare systems theory applied to the developing world and vulnerability to famine and disasters as prominently discussed within development studies at the time, Black makes the following observation, which is every bit as relevant today: "[t]here is a fundamental difference between the conception of vulnerability as something imposed by the context in which people find themselves and somewhat stricter conception of vulnerability as an a priori of certain groups" (Black, 1994, p. 363). His main finding is that refugees are not necessarily facing social and economic exclusion but rather occupy a vulnerable legal status and are marginalised from centres of power. This change in vulnerability thinking towards relational knowledges is reflected in geography's engagement with post-coloniality, post- structuralist and constructivist thought. Findlay (2005) critiques the reliance on empiricist epistemology that dominates population geography as this runs the risk of misrepresenting different dimensions of vulnerability. He invites geographers to engage anew with vulnerable spatialities both in research and in practice:

> Social spatialities are constructed not only by structural forces, but also by so-called 'imaginary' geographies. By placing boundaries of meaning around individuals, these social spatialities locate people securely inside or insecurely outside circuits of dominant social power. These vulnerabilities are not only socially embedded but also embodied, producing internal vulnerabilities that are every bit as powerful as externally imposed vulnerabilities. Some believe that emotional spaces may transcend both the physical and other dimensions of the social (Findlay, 2005, p. 436).

Already in the 1990's, a growing number of asylum seekers in European member states would carry the consequences of restrictive migration policies at the national level, experiencing destitution and other forms of material and psychological hardship. Discussing the employment experiences of migrant groups in Finland, Heikkila (2005) exposes the ways in which precarity in employment among migrant groups is not particular to a single place within nation state but rather is sustained within policies making vulnerabilities mobile. Emma Stewart (2005) emphasised the importance of exploring both the everyday lived experience of being an asylum seeker in the UK and the responses to their social exclusion as a way for further understanding the dimensions of vulnerability. In particular, she looks for the mechanisms of exclusion by interrogating the interstitial position of asylum seekers in the nation state; there, she finds the experiences of vulnerability are both spatial and temporal; these experiences manifest themselves spatially not only in the physical spaces that refugees are excluded from, or chose to exclude themselves in order to hide their vulnerabilities, but also on the racialised body of the asylum seekers. They also need to be viewed in relation to the past and future: vulnerabilities already acquired before the journey and those that may or may not wither way once the asylum seekers acquires legal status (Stewart, 2005, p.509). In embracing post-colonial critique, geographic scholarship shifted the focus from social vulnerabilities in development contexts to bodily vulnerabilities of border-crossing migrants. This thesis advances geographical engagement in this field with an interrogation of vulnerability focused decision making in the context of refugee readmission agreements.

Geographical relational thinking goes against essentialising processes and discourses that produce dichotomies and othering. These discourses can be understood as characteristically spatial representations of 'non-vulnerable us' versus 'vulnerable others', which confine the production of vulnerability to particular geographical areas. For instance, Keenan (2014) argues that in order to reproduce itself, refugee law relies on simplified discourses of territoriality and identity which result in the production of idealised, wholesale identities of vulnerable asylum seeker groups. As an outcome of this dualist thinking, international legal instruments that vow to protect the rights of certain risk groups, such as women, children, or those outside the heteronormative sexual orientation, often resort to language that stigmatises them as suffering at the hands of non-western cultures (Peroni, 2016; Hoffman, 2012). Grouped and spatially bounded, the vulnerable subjects of the law become ideal types. Similarly, scholars have drawn on associations between vulnerability and insecurity to demonstrate heightened forms of governmentality (Davies, 2017; Fitzerald, 2010, 2016;

Martin, 2015; Mavelli, 2017). Fitzerald (2016) successfully demonstrates how the UK government's framing of trafficked women's vulnerability to sexual harm has been used strategically to justify regulations on sexual behaviors within the UK. At the same time, it has been used to discipline state agents themselves engaged in removing trafficking victims after successfully associating trafficking to organised crime and extra-territorial activities. For this reason, individuals and groups are understood to be vulnerable due to the risks their sexuality or age poses to themesleves and in turn the risks they pose upon entry to the host society. This leads to counter actions such as increased surveillance and forms of bio-power aimed at spatially governing aspects of embodied and biological life but also work as proxies for immigration and border controls Fitzerald, (2016).

Besides the more visible processes and spaces of exclusion, it is the recurrent and often devastating forms of everyday violence in more occult spaces, physical or discursive, that the destitute and/or illegalised individuals occupy, cannot be sufficiently captured with a strict view of vulnerability as a metric of wellbeing. Asylum seekers are understood to be excluded from public space, while they are also through their embodiment of non-belonging (Papastergiades, 2006), through forms of socio-cultural abjection (Isin & Rygiel, 2007; Tyler, 2013) and lived status of deportability (De Genova, 2002). Asylum seekers and refugees are also understood to be suffering 'slow violence', understood as the effects of state's bordering practices (Coddignton, 2019).

Table 1

Key notions of vulnerability

Term	Meaning	Key authors
Embodied vulnerability	Bodily and affectual experience of the world through vulnerability.	Fineman & Grear ,2016; Harrison, 2011.
Universal vulnerability	Fundamental reality of human condition and ethics of co-existence.	Fineman, 2008; Dodds, 2007; Nussbaum, 2006.
Corporeal vulnerability	The vulnerability of the human body to suffering and violence.	Butler, 2003; Turner, 2006; McKenzie et al., 2014.
Progressive vulnerability	An understanding of vulnerability as politically produced.	Butler, 2009; Ferasse ,2016; Brown, 2012.
Legal vulnerability	Ideal types of vulnerable subjects and groups.	Peroni & Timmer, 2013

Structural vulnerability	The result of structural violence perpetuated by social and legal institutions.	Quesada et al., 2011; Cartwright, 2011.
Social vulnerability	Social space defined by peoples' capacity to respond to adversity.	Watts & Bohle, 1993; Cutter, 1996.
Place-specific vulnerability	Relevance of the place of the body in social space.	Cutter et al., 2000; Martin, 2011; Mountz & Hiemstra, 2013.

Some of the complexities kindled by the dimension of violence have been addressed by juxtaposing vulnerability to ideas of structural violence. This dimension of vulnerability is known as structural vulnerability (Quesada, Hart & Bourgois, 2011) and defined as 'a positionality' which is added to the individuals' location in social space, "by embodying a subordinate status produced from a symbolic violence faced at the interface of their personal attributes and the cultural values and institutional structures they are confronted" (2011, p.342). Following Quesada et al. (2011), through the embodiment of their social positioning, structural vulnerability inavertedly affects marginalised groups such as undocumented migrants due to their citizenship status. Members of separated, undocumented families may therefore be described as structurally vulnerable in front of the law and because their subordinated status is further inflicted as a result of their reduced capacity to rely on each other, this structural vulnerability is limiting their life options. In addition, these groups are particularly vulnerable because they face what anthropologists Abrejo and Menjivar (2012) call 'legal violence'. For instance, it may prove harder for them to access medical healthcare while they may experience ill health due to the effects of long-term illegality and generational racism. Crucially, these structural constraints to access for the undocumented are spread horizontally, imposing limitations on what health providers or indeed legal advisors can do (Cartwright, 2011). The strength of the lens of structural vulnerability allows to consider specific social relations where power and vulnerability are experienced not only as attributes of the marginalised but also of the ones seemingly in power.

However, it is not only through the impediment of access to health and services that violence is performed. Geographers have also explored multiple ways in which law, space and violence are connected such as through direct forms of domination which include judicial executions or decision in relation to property law (Blomley, 2003; 2013). Process of immigration also create experiences of violations and suffering from violence. Looking at

immigration law in particular, Coleman and Stuesse (2016) have argued that it acts to produce both geopolitical and biopolitical borders, regulating forms of social reproduction while threatening with territorial banishment at the same time. Cynthia Gorman (2017) explores how border controls are affected by a particular legal interpretation of the refugee category imposed on groups of asylum seekers seeking entry in the US. More specifically, she demonstrates how juridical interpretation of the category 'particular social group' which pertains in the original UN Refugee definition was juridically manipulated in order to narrow down the numbers of those eligible to exercise the right to asylum. She traces the legal work of interpreting the particular social group category in the asylum cases of two Salvadoran men which set the precedence in the years to come in relation to how this category was going to be interpreted. This thesis contributes to this emerging body of work in order to explore in more depth the relationship between territorial borders and the legal category of vulnerability. By examining how vulnerability assessments are operationalised through an international administration my research demonstrates how they assist authorities in borderwork and result in reproducing violence and vulnerabilities.

As a relational notion, vulnerability in geography also relates to one's changing place, particularly in connection to how our bodies exist in place. In geography, our sense of place is part of our ontological experience, reflecting how we engage with the outside and the inside (Knox & Marston, 2016). From the point of view of place-sensitive vulnerabilities, what becomes apparent is the harm displacement and separation caused to individuals not only due to their social positioning but also by 'taking bodies out of place'; these types of violence really strike at the heart of our intimate ways of being (Puwar, 2004). Considering the interface between embodiment and place, Ruba Salih (2017) shows how displacement and the geographies of separation complicate further the experiences of Palestinian women, who are forced to continually shift shelters meddling with their capacities of place making and affective memories of home. There are additional ways in which geographers have been sensitised about the dimension of place when thinking about the spatialities of vulnerability. Like displacement, geographers have explored the forms of destitution reproduced in carceral spaces, through the unsettled relationship between inside/outside and agency/immobility (Pickering, 2014; Martin, 2015; Gill et al., 2018). This speaks to the effects of not knowing where you are going to be moved next, the frustration of being confined to an area or a space where your agency and mobility is policed, of not knowing one's place within a carceral institution. Minca and Ong (2014) extend their research to spaces of custody care where

asylum seekers are often held, demonstrating the "power of space" (2014, p.43) exercised over guests in its capacity to facilitate violence by segregating bodies. Equally, through the interconnected histories and geographies of deportation, migrants find themselves out of place' as they fall prey to kidnappers, further complicating their mobility strategies while their capacity to rely on social networks is gradually diminished (Slack, 2016).

Influenced by the tradition of phenomenology, geographers see bodies as places where emotions are located and as a medium from which we comprehend our position vis a vis the non-human, in other words as affectual (Pile, 2010). Under this light, all bodies interact with the human and non-human environment through the everyday encounter and performance of life. During these encounters, trauma and emotions become productive as they ignite relationally, through our presence in place, our proximity to others and our connections to the (colonial) past. This implies that trauma and emotions are not static, but in fact mobile as they move through embodiment. Fueled by the hysteria to restrain border crossing bodies, trauma "travels well beyond the material infrastructure of detention, transversing space and time transcarcelary and transnationally" (Mountz, 2017, p. 80). In this case, while the states seek to exploit distance and the asylum seekers' ambiguous legal status through slow violence, the relational nature of trauma's embodiment spreads from person to person, expanding and transforming, through proximity and the very fact of the sociality of the body, connecting rather than dividing. Elsewhere, Coddington and Micieli-Voutsinas (2017) use the idea of trauma's 'relationality' to counter the discourse on the exceptionality of current global threats by revealing our "collective exposure to structures of violence" (Coddington & Micieli-Voutsinas, 2017, p. 52). Privileging a place-sensitive approach to vulnerability allows us to look at how asylum seekers and other marginalised groups experience everyday forms of violence and precarity by centering at the body and what it can do; even within carceral spaces, the embodiment of their precarious legal position is not represented as empty time but as involving intentions and agency (Burridge & Gill, 2017). Finally, such an approach benefits an understanding of vulnerability as embodied, a condition from which they relate to the material and immaterial world, and not through some pre-given vulnerable status which essentialises people and places. In table 1 I have summarized the terminology which is used to convey different meanings of vulnerability in relation to the social, material and immaterial world. My understanding of vulnerability assessments as temporary sovereign acts emphasizes how legal vulnerability interacts with processes of bordering, living little room for a relationally, placed- based understanding of vulnerability.

Conclusion

In this chapter I have outlined the main bodies of literature to which this thesis speaks to. In parallel, I have engaged with some of the debates that this work aims to advance in return. What unifies the interdisciplinary body of work of *CBS* and *Critical Readings of Humanitarianism* are their interventions to more traditional approaches within social sciences. The authors cited here are concerned with processes of governing populations. In this way, readings of humanitarianism blend with new conceptualisations of the border in order to understand contemporary developments in EU border and migration management. The final of the three sections, *Engaging Vulnerability*: *critical and geographical approaches* introduced the concept and its ambivalent position within academic debates in relation to questions of power and domination. Moving away from considerations of vulnerability as a measurement of well-being, I have shown how more recent geographical approaches to vulnerability can provide more nuanced readings of the multi-scalar relations at play in the context of border and migration governance.

In this way, I have brought vulnerability in direct conversation with the previous two literatures. While CBS scholars have taken the Herculean task of theorizing the border practices and performances, they do less by way of explaining how borders as institutions that politically seek to regulate the inside and outside encourage particular articulations of sovereignty and biopolitical examination at different geographical areas. I understand vulnerability assessments in Lesbos as examples of borderwork but also as instances which serve to examine how sovereignty is reconfigured at the border. Moreover, the ways in which asylum law is leveraged at these new locations of borderwork is key to unlocking this relationship between sovereign practices and biopolitical examinations. From a perspective of critical readings of humanitarianism, vulnerability assessments tap into spaces and modes of governance ignited by logics of care and control inherent in the project of humanitarianism. At the same time, instead of seeing vulnerability simply as a product of humanitarian rationality – the vulnerable are weak and therefore merit our compassion and protection, this research argues that vulnerability can act as a new moral force of humanitarianism, making the biopolitical distinction between lives worth living and those worth abandoning starker. The power to designate vulnerability in the hotspot of Lesbos bares important implications on

the decision to include and exclude from territory and the asylum process. As a form of humanitarian borderwork vulnerability not only reifies the necessity of humanitarianism to counter the violence in bordering but also gives extra moral conviction to the actors who are asked to perform the border by making sovereign decisions.

Finally, I considered how the concept of vulnerability has divided many scholars in relation to its potential in entering into vocabularies of social justice and political oppression, precisely because it inherently implies a call for governmental intervention. In this way, and by juxtaposing categorical vulnerability with a context specific and relational understanding of the notion I have argued that there is potential in disentangling politically induced vulnerabilities from mere calls to governmental intervention. Shedding light into who makes decisions at these new border spaces exemplified by the hotspot and examining the moral forces that underpin those decisions has the potential to unravel the directions of contemporary humanitarian management of borders in Europe.

Chapter Two Research Methodology

Introduction

Having situated my thesis in the wider literature of critical border, migration and humanitarianism studies and having emphasized the need to disentangle categorical vulnerability from its spatial and relational dimensions, I will introduce the methodological tools that my work is based on. This chapter is intended as a guidance to the empirical chapters that follow. There is a chronological sequence to the research objectives that unfold in this thesis: first, I locate vulnerability within the institutions of asylum and its growing relevance in bordering, then I lay out the everyday process of vulnerability identification and designation as it was described to me by those who work in Moria hotspot, and finally, I analyse the way in which the designation of vulnerability marks individuals' immediate futures as they struggle to find their place in a system that separates worthy and unworthy subjects. Each research objective informs my analysis on how vulnerability is operationalised within institutions of bordering in order to manage migration. In situating the ascription of vulnerability in the everyday workings of institutions, I draw in particular on institutional ethnography (IE). After a discussion on the relevance of epistemology and how this is linked to ways of knowing and doing in human geography, I elaborate in this chapter on the choice of methods, the challenges I faced during the research process and what it has meant for me to be researching the border as an institution.

2.1 **Institutional Ethnography (IE)**

There are two overlapping threads of investigation that run through this thesis. The first one concerns the location of narratives of vulnerability within the border as an institution. This requires me to analyse the meaning and purpose of vulnerability in the asylum process, from its manifestation in the Greek asylum law as a specific legal and administrative category to its effects in relation to practices of reception of refugees in Greece. The second one relates to the designation of asylum seekers as 'vulnerable', in other words it is concerned with the production of identities as a form of disciplinary effect. Inspired by Mitchell's (1991) assertion that "disciplinary power….works not from the outside but from within, not at the level of the entire society but at the level of detail, and not by constraining their level of actions but by producing them" (1991, p.93), I turn to investigate how vulnerability is

produced as a method of identification from within institutional practices that run through the hotspot and are diffused outside it.

By choosing to approach the border as an institution, I am effectively recalling Laura Nauder's 1972 approach of 'studying up'. Nauder wanted to shake anthropologists out of their comfort zone, when she called on them to move beyond the 'studying down' of marginalised groups and instead make an effort to study the institutions and the way they affect people's lives. Extrapolating this to my own research, I ask how the ascription of vulnerability is managed and negotiated at the hotspot. As Nauder argued, in getting to know and understand institutions and how they function, we are in fact educating ourselves and citizens in becoming better informed about how democracies function in return. She does not imply that one has to be confined to a binary of studying up and down, scrutinising those in power alone or focusing instead only on those who are marginalised, but rather, that there are many ways to study. It is possible to do both. Later on, Shore and Wright (1997) intervened in this debate by arguing that we should in fact be "studying through". This analytical approach focuses on "tracing ways in which power creates webs and relations between actors, institutions and discourses across time and space" (1997, p.14).

In particular, I am drawn to the institutional processes that administrate the judicial vulnerability of migrants in the physical context of the Reception and Identification Centers (RICs) on the Aegean Islands. I use the term 'institutional process' to refer not to just a single organisational entity (for instance, the Greek Asylum Service) but rather to the multiple actors, authorities and sovereignties that coordinate and implement immigration enforcement at the intersection of their work. This understanding guides my methodological approach towards an analytical framework known as institutional ethnography (IE). Following Mountz 2010, "methodologically, institutional ethnography enables the location of the institution in the spatial relationships of multi-scalar everyday interactions to avoid characterizing it as a 'repressive' autonomous body that affects social relations" (Mountz, 2010, p. xxiv). This approach is in line with the analysis of bordering and migration management practices as a regime or assemblages of power, as I have discussed in section one of the previous chapter. It also adheres to the "constructionist account of socio-spatial relations" prominent within geographical tradition, itself inspired by actor-network theory (Anderson &McFarlane, 2011)

The term IE was initially coined by Canadian sociologist Dorothy Smith (1987) who sought to explore the social relations that structure people's everyday lives by acknowledging the importance of research beginning from the standpoint of ordinary people. For Smith, social relations engender 'relations of ruling' that guide, control, coordinate and regulate societies. Such ruling relations denote the institutional complexes of bureaucracy and systems of management:

> Institutional ethnography explores the social relations individuals bring into being, in and through their actual practices. Its methods, whether of observation, interviewing, recollection of work experience, use of archives, textual analysis, or other, are constrained by the practicalities of investigation of social relation as actual practices (1987, p.160)

This research perspective and methodological approach has been extended and reappraised by several scholars, including Smith herself, who sought to elucidate further some of its epistemological premises (Campbell & Gregor, 2012; DeVault & Mcoy, 2006; Smith, 2005, 2006).

In an insightful analysis of the question of problematization, Katherine Teghtsoonian (2016) argues that the topic of empirical inquiry begins from the identification of a disjuncture: "Disjunctures arise in local settings when the knowledge and intentions of those living and working in them are subordinated to forms of knowledge that are oriented to processes and interests originating in extra-local settings" (2016, p.333). Accordingly, I understand the Reception and Identification Center of Moria to provide the context in which vulnerability assessments emerge as an administrative practice that is both shaped by and contributes to processes of classification happening elsewhere on the island, in the mainland and across the territorial border. Moreover, my research shifts focus from the migrants as objects of control to the processes that render and classify them as 'vulnerable'. By recognising that the 'problem' of vulnerability ascription is located in the institutions and not in refugees, I make what institutional ethnographers call an 'epistemological shift'. This changes the focus from wanting to know *why* they are classified as vulnerable to know instead *how*. From my perspective as an activist and as someone who wants to challenge migration categories, understanding how something works means that you learn how to challenge it. However, my continuous professional engagement in the field of migration for over fifteen years, including in positions of power, complicates my positionality. In this regard, the approach of institutional ethnography also allows me to scrutinise my 'prior knowing'. As Rankin (2017)

suggests, “researchers who are studying settings that they are familiar with or have worked in must examine prior knowledge, assumptions, and judgments” (2017, p.4).

While an institutional ethnography begins with the identification of an experience or a disjuncture rooted in the everyday, Bilo and Mountz (2016) argue that scarce attention has so far been paid to the spatiality of institutional relationships within IE: “[i]n contrast, geographical approaches to IE can and do account for the spatial differentiation by locating marginal spaces and spaces of exception, for example, within, through, and beyond the institution” (2016, p.205). They therefore claim that both geography and institutional ethnography have much to gain from each other: “IE has the potential to enrich geographical research not only about a multitude of kinds of institutions but about the many structures, effects, and identities working through institutions as territorial forces” (2016, p.200). My geographical approach to IE brings to the fore the intricate relationship between the spatialities of institutions and strategies of refugee management.

In particular, looking at institutions in terms of their spatiality allows me to account for the different ways in which vulnerability comes to be assessed within the Greek territory. Being an aspect of the asylum process in the EU historically, the ascription of vulnerability concerns two administrative processes: the refugee determination process and the process of reception. Put simply, those deemed vulnerable by the institutions involved in the asylum process are afforded (by law) treatment during the process of determination of their status that meets their special needs and characteristics as vulnerable. As such, it is an administrative practice that is spatially diffused within nation states’ territory, it happens at any place where people claim asylum, it can be formal or informal. As I will show in the following chapters, the ascription of vulnerability within the RIC is very much influenced by the territorial function of the border and therefore differs greatly from the procedure practiced in the mainland. This is partly due to the fact that legal documents do not give specific guidelines in relation to how individual vulnerabilities come to be assessed, but its assessment is rather determined by a number of factors, including other administrative procedures that may be in place in a given geographical area. Moreover, it is often assumed that immigration case workers or medical personnel, wherever they are, encounter vulnerable individuals during the asylum process by virtue of their perception of them belonging to specific vulnerability categories or groups and will act to notify the appropriate authorities regardless of whether an official vulnerability procedure is in place or not. As a result,

vulnerability assessments manifest themselves differently in the mainland than in the border areas not least due to exceptional legal landscape that exists in the Eastern Aegean borderzone.

I encountered the notion of vulnerability through my prior knowing of the field of asylum and migration management. As mentioned in the introduction, due to my previous professional experience of the Greek asylum process, I was well acquainted with the category of vulnerability and its uses. In 2011 I was employed by the UNHCR and tasked, in the framework of Greece's migration management action plan, to develop the Standard Operating Procedures (SOPs) for the Reception of Asylum seekers in Greece. The SOPs document that I authored built on best practice and rights-based approaches as developed elsewhere in selected European countries (namely Austria and Sweden). This document was intended as a guide for how the Greek authorities may monitor the quality of the implementation of asylum reception projects run by both governmental and non-governmental actors. The question of the treatment of vulnerable groups featured in the SOPs, as it is required by Greek legislation,[10] namely by emphasizing that the needs of the vulnerable are taken into account when designing and implementing policy. However, it was not until my most recent field visits on the island of Lesbos as a researcher in an ESRC-funded project on Mediterranean Migration from 2015 to 2017, and the involved fieldwork and participant observation, that I became aware of the specific practice of vulnerability assessments and the sheer scale of its use and importance in constituting border governance. Beginning therefore from the standpoint of the ordinary individual who crosses the Greek-Turkish border during this period, and is being induced into a vulnerability assessment, I seek to scrutinise how that assessment process comes to fruition, considering its wider implications as acts that reflect not only the humanitariasation of border enforcement strategies but also the introduction of new methods of sovereign practices of selection that can easily be replicated in borderzones elsewhere.

Throughout the thesis there is significant reference to the concept of vulnerability as it is framed within Greek asylum law. The designation of vulnerability sits within wider socio-legal processes that influence the lives of people, including how or where they can access the

[10] Initially the requirement was set out in Law 3907/2011, which transposed the EC Returns Directive onto Greek legislation. Requirements regarding the protection of vulnerable groups during the asylum process were introduced in future legislations, particularly Law 4375/2016, to which I make extensive reference to in chapter four of this thesis and at the end of this chapter too.

asylum process. Indeed, the legal practices have profound consequences on the spatialities of social lives as they speak to the ways in which asylum law exercise social power (White, 2002). In thinking through the research process, I take inspiration from critical legal geography (Blomley & Bakan, 1992; Blomley, 2003; Delaney, 2003) for developing an analysis that is mindful of the ways in which legal concepts and practices are co-constitutive of social reality of the lives of migrants. I am also driven by Doll and Walby (2019) who have recently argued for IE as a way to explore law as practice. In reality, this methodological approach entails navigating into how vulnerability is negotiated and given meaning, by placing the legally constructed notion of 'vulnerable groups' in discussion with the practice of vulnerability assessment at the border. This also means positioning myself against what Delaney (2015) has termed 'legal closure', the idea that law exists somewhere out there, as if a lonely star in the galaxy, which is precisely the denial of the co-constitutivity and complexity of social life. This analytical strategy guides my approach to IE and decisions to engage with legal texts but also my choices of interview subjects that I discuss in detail later in section 2.4 of this chapter. By approaching law as social practice and by looking at vulnerability ascription geographically, and as a function of the border, I am able to examine institutional practices that inadvertently affect the lives of migrants and refugees.

2.2 **Epistemology is political**

> What happens if we try to look at the meaning of being or no being a migrant, documented or undocumented, in the context of globalisation and the post-colonial condition, if we push our gaze towards the border, following an analytical method that does not necessarily imply focusing on the more visible manifestations of the border itself, such as detention centres or refugee camps? (Grappi, 2013, p. 324)

In the previous chapter I positioned myself within critical scholarly traditions in migration studies, border studies and humanitarianism. Scholars in these fields strive against reproducing the epistemological and political order that perpetuates violence and injustices. This means that I understand the role of research and the researcher in society, or its epistemology and ontology, not as objective, but subjective and political. In line with the geographical current that approaches the production of socio spatial knowledge using a critical and emancipatory lens, I reject the positivist paradigm of value free, problem solving approach and replace it with a conviction that all knowledge is perspectival, socially and historically contingent and therefore value laden (Agger, 1998; Urry, 2003). This approach commends a research sensibility that is open and sceptical to what is considered as given

(Ahmed, 2013). The debate has very real consequences when studying complex phenomena such as migration and borders. Researching the operationalisation of categories that assist in materialising border governance has tangible consequences upon the lives of people. It risks reinforcing knowledge that may lead to enforcement and thereby unwittingly excluding people from accessing systems for inclusion.

One example of this risk is the reproduction of administrative labels, such as 'migrant' and 'refugee', as analytical tools (Bigo, 2009). Critically engaged researchers begin to voice their unease with reproducing existing labels in discussion of issues relating to immigration. Bauder (2014) for instance prefers the use of the term 'illegalised refugee or migrant' to emphasise the global process of illegalisation, instead of simply 'migrant' or 'refugee' and proposes the term 'domicile citizenship' as an alternative. Another illustration of this problematisation is presented by the authors of the keywords collective on border and migration (Casas-Cortes et al., 2014). In a document-manifesto published in cultural studies, they advance the project of concept reformulations, in which they seek to replace notions that reify the borders as a line and confer what they call an 'epistemic violence'. They strive instead to develop concepts that situate these notions within the broader logics of governmentality and management, "being sensitive to the 'geographies' of the concepts that we develop" (2014, p.60). This effort has built up an entire epistemic community around the following criticism: that studies of migration increasingly compose a 'governmentalised' field of epistemic knowledge on migration (Garelli & Tazzioli, 2013). This 'governmentalised' field produces knowledge that 'disciplines' migration and naturalises misleading notions that want, for instance, migrants to move according to pull and push factors (Crawley, 2016; Baldwin-Edwards, Blitz & Crawley, 2019).

I consider categorical vulnerability to be precisely a governmentalised category which works towards the continual classification of the migration experience as problematic (Inda, 2006). Such representations tend to fix identities in space and time and make invisible the more complex dynamics in which people negotiate their mobilities. Indeed, as Mailet et al. (2016) argue: "If research is to be a form of resistance, then it must be used to challenge dominant narratives around 'vulnerable' populations, including those which (re)produce violence through the creation and enforcement of social hierarchies" (2016, p.18). IE can assist us in disaggregating which aspects of institutional practice reinforce non-meaningful classifications of vulnerability. Scholars have drawn attention to practices of reproducing

categories that reify the bounded notions of the nation and national society or culture, risking to recreate what Wimmer and Schiller (2002) have termed as 'methodological nationalism', which they define as "the assumption that the nation/state/society is the natural social and political form of the modern world" (Wimmer, Schiller, 2002, p. 302). By thinking about how to approach the categories of 'vulnerability' and 'asylum seeker', as well as through my engagement with asylum-border policies and fieldwork in spaces detention and camps, I stumbled into a challenging terrain.

Many critical researchers are hesitant to research processes of exclusion, particularly in spaces of migration enforcement and where people are often rendered 'vulnerable', as this involves a number of ethical, practical and methodological challenges (Maillet, Mountz, & Williams, 2017). In my case, this has first involved a fair amount of introspection and problematisation as to whether it is correct to assume that those crossing into the Aegean islands are vulnerable. Only after reading extensively and understanding the different theorisation of vulnerability was I able to properly embrace and understand the relational nature of vulnerability and thus free myself from such dilemmas. By choosing to undertake fieldwork and doing active participant observation in Lesbos and Athens, I was immersed in all kinds of situations that bore witness to the violence and precarity many migrants were exposed to in their everyday life inside and outside Moria and yet equally, there were times when my own vulnerability was even more pronounced to me. For instance, and despite my previous professional relationship with individuals in the asylum service, accessing Moria to the extent that I would have liked in relation to systematically observing the everyday workings within the institution was not possible. That is when the realisation sunk in: Moria is a carceral space and I had better get used to the idea that the asylum process is now taking place in such spaces. This made me feel vulnerable in relation to how I could materialise IE. Similarly, witnessing the rage and exhaustion experienced by many of my interviewees made me feel vulnerable during the interview process.

Second, ethics committees in UK universities, mine included, construct asylum seekers and those who live in spaces of detention as 'vulnerable subjects', out of the need to protect researchers and research participants from trauma. The latter played into a decision I had already taken before beginning the ethical approval process of not officially interviewing detainees or people living in closed or open camps. Although it would have been valuable to document the experience of being assessed as vulnerable, I considered that going through the

process of recounting would cause individuals distress; this would in turn amount to an exploitative relationship. Another part of me simply did not want to add myself to a list of persons making demands on them. Although there is an emerging scholarship scrutinising the politics and adopting an ethical approach to interviewing migrants in irregular positions (Duvell et al., 2010; van Liempt & Biger, 2012), not privileging the experience of the refugee in the assessment of their vulnerability will not in my opinion jeopardise the research objective of finding how vulnerability becomes assessed. In the scholarly debate of whether such a thing as a 'refugee voice' exists at all, I squarely side with those who interrogate the spaces which refugees enact and embody, as a lens into their experiences of precarity (Baban, Ilcan, & Rygiel, 2017; de Vries & Guild, 2018).

I personally object to the conditions of immeasurable precarity, legal, physical, material or otherwise, that they find themselves in the Greek islands. This does not mean that I did not engage with migrants during this research process. On the contrary, I engaged in informal conversations, outside the detention centres, in places where people would seek temporary reprise and note their views on vulnerability in my fieldwork diaries. During our conversations, I would often find myself in the position of the interviewee. I saw the value in narrating their experience of precarity only in so far as they express that wish. Negotiating power in this way, I side with Dempsey (2018) in the sense that researching within and around European migrant camps requires a strategic re-constitution of positionality (2018, p.90). Finally, and despite the widespread, paternalistic practice of rendering marginalised groups as 'vulnerable' (Bourgois, 1995), or as lacking the necessary social, political and economic capital compared to the societal norm (von Benzon & van Blerk, 2017), I do not believe that people are equally vulnerable to exploitation when they are in Moria as when they are in other parts of the island. It is my understanding through my professional experience in the field, that the context of the refugee camps such as Moria breed extraordinary insecurity and precarity. In thinking about the risks people face during the research process in spaces such as Moria, I believe that engaging in conversation in spaces which are much less policed shows responsibility on the behalf of the researcher towards the participant.

In thinking through some of the ethical and political aspects of labelling and working with pre-determined 'vulnerable groups', I would also like to briefly problematise the wider context in which this research took place. Geographically, Greece and the island of Lesbos in

particular, were at the epicentre of the latest EU border crisis at the time. This must be seen as a dynamic social space where emergent regimes of control may outpace others and where the nature of territorial border is continuously negotiated. For instance, as I have explained elsewhere with others (Papoutsi et al., 2019), asylum policies and tactics have surfaced as a major strategy for mobility governance within the hotspots. In fact, the asylum process is a powerful tool of categorisation. In De Genova's words:

> The ongoing "crisis" of European borders, therefore, corresponds above all to a permanent epistemic instability within the government of transnational human mobility, which itself relies upon the exercise of a power over classifying, naming and partitioning "migrants"/ "refugees," and the more general multiplication of subtle nuances and contradictions among the categories that regiment mobility (De Genova, 2016, p.7).

In this thesis, the process of classifying persons as vulnerable becomes an analytical strategy to discuss the border. This means that I am interested in disentangling the networks of power that affect this classification. However, in recognising the exclusionary character of the asylum regime, it is important not to lose sight of migrants' own appropriation of the category 'refugee' and that it forms part of their demands (De Genova et al., 2018). What then of asylum seekers and refugees claiming their vulnerabilities when not recognised as such by the authorities? In the course of my fieldwork, I have been attuned to the ways in which vulnerability has entered the vocabulary both of refugees and of those assisting with their asylum claims. At times, individuals would embrace the category of vulnerability as prescribed in Greek law as their only hope for leaving Moria. On other occasions, a more personal interpretation of their embodied vulnerability would surface, one that rejected the official categorisation. Besides verbal claims of vulnerability, individuals would sometimes seek to be included in the category through acts of self-harm, and those acts were reminders of the perverse incentives of border controls.

2.3 **Case study locations**

2.3.1 The island of Lesbos

Since 2015, the island of Lesbos has become the symbol of the so-called refugee crisis. Hundreds of humanitarian personnel flocked in, as well as solidarity activists, EU parliamentarians, all the way to Hollywood celebrities and of course academics and researchers like me. Even the Pope visited briefly in April 2016, taking 12 refugees back to

the Vatican, a statement against the recently signed EU-Turkey Agreement[11]. Having just returned from a mission with the humanitarian NGO Medicine San Frontieres (MSF) in a refugee camp at the Tanzanian Burundian border, I struggled back then to comprehend the reasons behind the sheer size of the humanitarian response that was mounted in Lesbos. In August 2015, the more than 300,000 refugees in Nyaguru camp suffering from a cholera outbreak and malnutrition were met with a meagre humanitarian response. The MSF communications team struggled to get an *op ed* in the Guardian. At exactly the same time, the eyes of the world and twice as many humanitarian agencies were offering assistance to transiting migrants in Lesbos. It was a sobering realisation for me that the EU 'refugee' or 'migration' crisis, as it is interchangeably called, is indeed a particularly Eurocentric invention (De Genova, 2017) and has implications well beyond its borders. It has been ever since an intellectual project for me to understand this ambiguity between protection and control and the place it holds within the developing European Integration and the idea of Europe itself. The island of Lesbos is a field where I have since pursued this intellectual ambition, for reasons that will become apparent in the following paragraph.

It was the Registration and Identification Centre in Moria (RIC), also known as the Moria camp or Moria hotspot, that we as academics identified a laboratory for the implementation of EU and Greek border and mobility governance unfolding before our eyes (Tazzioli, 2018; Papada et al., 2019; Rozakou, 2019). I had visited the RIC a few times during 2013 on a UNHCR monitoring mission and a couple more times as we were conducting fieldwork for the Transcapes project. In the months following the October 2015 inauguration of the hotspot, access to the RIC became increasingly difficult. Following the announcement of the EU-Turkey statement in March 2016, areas of the camp which were previously relatively open were practically sealed off. This trend continues until the publication of this thesis. Elsewhere I have described the Moria camp as a liminal space where "under conditions of invisibility the sorting of migrant bodies occurs" (Papoutsi et al., 2019, p.2209). This description seems to resonate with other scholars who have researched hotspots both in Greece and Italy (Pallister-Wilkins, 2018; Spathopoulou, Carastathis & Tsilimpounidi, 2020; Tazzioli & Garelli, 2017). Vulnerability assessments as an administrative practice had become systematised and applied in a unique manner in Moria bolstering this function of sorting. But Moria is an elusive construct which has been characterised by Rozakou (2019) as

[11] https://www.theguardian.com/world/2016/apr/16/pope-francis-flies-to-lesbos-to-highlight-humanitarian-crisis-in-europe . Access last on 15th of June 2020.

an assemblage or by Painter et al. (2017) as a *dispositif* of disparate institutions, discourses, individuals and technologies. There is not one authority in the part of the camp which makes up the hotspot but many. The Greek Asylum Service (GAS), formerly an agency under the Ministry of Migration Policy and currently under the Ministry of Citizen Protection, which is also responsible for the pre-removal centre that operates in the hotspot. The work of GAS is supported by the European Asylum Support Service (EASO), which is a supra state agency. Present in the hotspot are also the Alliens Department of the Hellenic Police which is itself attached to the First Reception Service again under the Ministry of Citizen Protection. Their work is additionally supported by an array of supra state agencies, including FRONTEX, Europol and Eurojust, the UNHCR and IOM, as well as other non-state international and national humanitarian organisations. Last, municipal and regional authorities as well as private enterprises are also involved in different aspects of the daily management of the camp (Table 2). Following Rozakou (2019), "this fragmentation of authorities and jurisdiction […] largely produces illegibility, a form of systemic chaos and an unruly order […] leaving border crossers extremely vulnerable to the discretionary power of multiple governing actors" (2019, p.73).

Table 2

Types of authorities represented in the hotspot.

EASO FRONTEX EUROPOL EUROJUST UNHCR IOM

supranational

GREEK MINISTRY OF CITIZEN PROTECTION

GAS RIC HELLENIC POLICE

national

NORTHEN AEGEAN PERFECTURE MUNICIPALITY OF LESBOS

regional &local

IGO'S /NGO'S PRIVATE SECTOR

national & transnational

By describing Lesbos and Moria this way, I bring attention to the importance of observing the border as an institution from the angle of its spatial arrangements, individuals and functions. I side with Pallister-Wilkins (2015) who argues that only by 'going there', being present and discussing with police, border and local actors can one encounter a more complex narrative about European border controls. Similarly, my everyday ethnographic practices on the

bordered island allowed me to get a deeper understanding of the contentious nature of vulnerability assessments, the extent to which could have not been deduced without the everyday interaction with activists, volunteers, migrants and others on the island. In addition, and besides mapping the indirect relations between actors, a border ethnography requires attention to “the researcher's presence, embeddedness, and immediate social relations with informants on the move” (Kallius et al., 2016, p.34). I also argue that because of its unruliness and ‘open closeness’, looking into the everyday workings of this assemblage of institutions and authorities becomes possible through building sustained relations of trust with informants who engage with these institutions directly, in my case primarily lawyers and humanitarian personnel. I will elaborate on access in section 2.4.1, but here I wish to convey the idea that semi-carceral infrastructures such as Moria are not impenetrable. On the contrary, in order to make the hotspot more legible, one must be acquainted with spaces outside it and make use of the knowledge and strategies of individuals whose job is to hold checks on power.

I conducted two rounds of fieldwork in Lesbos. The first one was between May and July 2018 and the second one was between October and November 2018, followed by a fieldwork in Athens between January and February 2019. One of the first tasks I took on was visualising the areas on the island with which Moria camp is connected from the point of view of how individuals are administered around the island. This gave me a more grounded and realistic image of the extended geography of the hotspot and helped me enrich my fieldwork tactics. The purpose of participant observation was to collect data and understand the subtleties of human experience and emotion as these are displayed in the interaction between legal aid workers, humanitarian personnel and refugees. My focus gradually turned on the spaces of care and legal preparedness (such as legal clinics, day centres, popular cafés and so on) and also on official spaces, including inter agency meetings, municipality and regional service stations. For instance, I observed the work of legal advisors during the hours of the legal clinics. Legal preparedness happens in stages and in diverse settings. Very often legal advisors would sit at the canteens outside Moria. I was allowed to do this confidentially, with the understanding that I was not to reveal identities or details of cases. Another important goal of my mapping and observation was to understand the way the island had been spatially divided into areas where asylum seekers were encouraged to visit and those they were not, as their visibility would sometimes become a source of contestation.

I found that the temporality of fieldwork is altered as the ongoing developments both in relation to policy but also to events that mark the lives of migrants on the island are made public at an instant. In this way, social media also supported my participant observation, making the distinction between offline and online worlds increasingly difficult to maintain as activities in both transformed each other (Hine, 2000; Orgad, 2005; Sloan & Qaun-Hasse, 2016). A riot in Moria, a visit by a high official, the opening of a new day centre or the arrival of a rescue boat were all shifting mine and my informants' priorities. Sudden changes in vulnerability assessments, new rules and regulations, impromptu transfers of designated vulnerable asylum seekers from Moria to the mainland completely altered the pace of events. Meanwhile, having already been in the shoes of many of the humanitarian workers and legal aid personnel I was observing, I felt familiarity and at ease, almost anticipating certain images, even the interruptions in conversations. I knew how to stand without looking idle or inquisitive, how to be invisibly visible, when to start a conversation and when to avoid it, whether I should offer to buy a cup of coffee or a sandwich. Some days were slow, with no hidden surprises.

2.3.1 Athens, mainland Greece

For some time, those categorised as vulnerable were transferred to the mainland. The practice continued until the final stages of submitting this thesis in June 2020 although with differentiations. Besides studying the operationalisation of vulnerability in Moria, I was also keen to explore the way vulnerability may have contributed to shaping refugee lives beyond the island. Athens is a typical example of a centralised state's capital. The vast majority of government offices and services are there. It so happens that the city hosts the majority of the reception facilities, in other words accommodation places for the asylum seeking and refugee population. It is also where the National Centre for Social Solidarity (EKKA), the authority responsible for administering individuals to available places within accommodation units, is based. Allocation to the overall grossly inadequate number of accommodation units has traditionally taken place bearing in mind vulnerability criteria. The arrival of already designated vulnerable individuals on the mainland had as a consequence the mainstreaming of services and the multiplication of bodies with the authority to mediate for housing.

While in Athens, I interviewed government officials from the Ministry of Migration Policy and EKKA, as well as individuals who run accommodation programmes around the city. My

aim was to try and get a sense of how far the vulnerability framework established on the islands had penetrated into decisions about who gets accommodation and who does not, what types of care and hierarchies of deservingness arise and lastly, what constraints or opportunities vulnerability offers to those who seek funding to run asylum services. In order to get an adequate picture of the housing options available, I reached out to former colleagues who provided me with access to new and older accommodation facilities, both refugee camps in the outskirts of Athens and urban accommodation, medical and rehabilitation clinics and day centres.

2.4 **Doing an ethnography of vulnerability**

I will now elaborate on my approach to IE and in particular on what I call an ethnography of vulnerability assessments. Ethnographic methods have inspired recent scholarship in and around humanitarianism and border enforcement (Pallister-Willkins, 2015), the experiences of people residing in borderlands (Agier, 2016; Andersson, 2016; Khosravi, 2010), border regime analysis (Tsianos & Karakayali, 2010) and of the institutions and processes that enact governance at the border (Johnson et. al., 2011). As already noted, methodological approaches impact on the kinds of knowledge we contribute as researchers. It is now nearly twenty years since Steve Herbert (2000) reminded geographers that "only intensive, ethnographic analysis can reveal the less visible forces that induce violent action, forces that are more powerful in some places than others" (2000, p.556). His call pushed for stronger engagement with ethnographic methods by critical geographers and found responses in diverse areas such as critical/feminist geopolitics (Dixon & Pain, 2015; Hyndman, 2001; Megoran, 2006), feminist geographies (Matus & Talburt, 2009) and cultural geographies (Delyser, Hawkins, Secor &Wylie, 2018; Power, 2009).

Sixteen years later, Billo and Mountz (2016) have revived a call to geographers to engage with ethnographic methods but this time they advocated specifically an institutional ethnography approach. In their useful typology of how geographers have methodologically approached institutions, they reference and emphasise strategies that locate the researcher either inside or outside the organisations under study, or both; additionally, they draw attention to the diverse ways in which geographers have conceptualized institutions, such as constituted by people who were once on the inside but now are on the inside, as translocal

and transnational entities that produce territoriality, conceptualizing their spatiotemporal dimensions and rhythms along the way (2016, p. 208). I located the border by tracking the institutions, practices and effects of vulnerability assessments in the management of refugees in Greece through the hotspot approach. I conceptualized the RIC in Moria itself as a transnational and transcalar institution of bordering, whereby the weak, bureaucratic structures of the Greek state overlap with different scales of governance, from local (municipal and regional authorities) to national (relevant Greek Ministries) to supra state (EU, UNHCR) (Table 2). Locating myself primarily outside, I relied primarily on interviews as well as inside reports and circulars in order to 'get at the inside'.

In the first instance, this required me to identify specific actors who had regular presence in Moria and observed the process of vulnerability assessments first-hand. I focused particularly on legal advisors/case workers, humanitarian and medical personnel as well as members of supra-state organisations whenever possible. By studying the way in which vulnerability is negotiated and given meaning by lawyers, medical personnel and the textualised representations of the work in this institution, I was able to discern what discourses privilege certain interpretations of vulnerability and how ruling relations are formed. Following De Vault and McCoy (2006), any research focused on ruling relations requires the researcher being already aware of given administrative practices, "and sets about studying how they are carried out, how they are discursively shaped and how they organize other settings" (2006, p.22). In the second instance, I relied on external and internal documents in order to understand how the daily work of those involved in vulnerability assessments within the RIC was organised. I refer for instance to police circulars, which organise the hierarchies of authority within the RIC depending on the process in question as well as more specific documents that deal with describing the process of vulnerability assessment itself. In the next two sub-sections, I will go into more detail on my methodological approach of interviewing and discourse analysis. I close this section by providing an overview of the key actors involved directly or indirectly with vulnerability assessments (Table 3).

Table 3

Entities involved in the assessment of vulnerability

Institution/ Category	Division
Migration Policy/Health Ministries	• Greek Asylum Service (GAS) • Reception & Identification Centre (RIC)

	• National Centre for Social Solidarity (EKKA) • refugees
Regional Authorities	• Emergency Coordination Unit/ Eastern Aegean Prefecture • Communications Department Lesbos Municipality
European Agencies	• European Asylum Office (EASO) • FRONTEX
International Organisations	• UN High Commissioner for Refugees (UNHCR) • UNICEF
Nongovernmental Organisations	• Medicine San Frontier • Doctors of the World • Danish Refugee Council • Norwegian Refugee Council • Iliahtida • Hellenic Red Cross • Amnesty International • The Village of All together
Legal Aid professionals/organisations	• HIAS • Advocates Abroad • Legal Centre Lesbos • European Lawyers Lesbos • AITIMA • The Greek Council for Refugees • Group of Lawyers for the Rights of Migrants and Refugees • ARSIS • PRAKSIS
Network of Health providers	• Medical Professionals • General Hospital in Lesbos • Centre for Combating Infectious Diseases

2.4.1 An Unstable Place

To describe the border space of Lesbos as an unstable place is to admit to the methodological challenges border researchers encounter in the context of ever shifting practices of policing (Rocio, 2015). In order to capture the range of legal, political, medical and moral claims

made by multiple actors in the field, it was necessary for me to understand the bordered island from the perspective of individuals who were often in antagonistic relationship to each other.

When I entered the field, I was not a novice. The islands' geography, its main villages and towns were places I had visited many times before; the same applies for the spaces in which refugees were 'waiting', including the three principle camps of Moria, Kara Tepe and the Village of All Together. Despite my familiarity with the field and its main actors, my own circumstances and the conditions under which many of my key informants were now working had changed radically. I was no longer there as a representative of the UN Refugee Agency tasked with monitoring conditions, nor was I there as a member of the Transcapes research team, enjoying the support and opportunity for collective reflection with others. Importantly, Lesbos in 2017 was a very different place for researchers than it had been the year before. It has meant that I needed to renegotiate field relations, to try and manage impressions regarding my role and purpose (Hammersley & Atkinson, 2007). The process of renegotiating my access to spaces for participant observation, interviewing and keeping up with the fast pace of events had been ongoing throughout my fieldwork and made challenging by the constraints of time and funding ubiquitous to doctoral research. In Lesbos I conducted fieldwork for total of four months, (in September 2017 and three months between May and July 2018) and a month and a half in Athens between December 2018 and the end of January 2019.

To begin with, the implementation of the EU-Turkey statement and accompanied restrictions on the freedom of movement for asylum seekers had meant the restructuring of accessibility protocols and augmentation of police surveillance. Entry rules to the most populous camps, Kara Tepe and Moria had tightened and demanded alternative arrangements. Instead of walking around inside the camps and observing interactions between the authorities, humanitarian personnel and refugees, I opted for spending time at the kiosks situated at the entrance. These open spaces served as meeting points between refugees, visitors and those who worked in the camp and gave me the opportunity for informal conversations regarding life in the camp, waiting and the asylum process. The goal of participant observation in the case of border research like mine was not to fully emerge to the cultural practices of immigration case workers, humanitarian workers and authorities, police or otherwise, but to understand how they apply the notion of vulnerability in their everyday work and interactions

with refugees, to uncover the ways the social world is organised. Hence my presence in spaces was at times overt and other times covert (Bryman, 2016). On occasions, I set up private meetings with informants and was invited to observe one to one consultation with clients. These were spaces where vulnerability was discussed and negotiated giving me insights into people's experiences with the official process, their complaints and frustrations.

The time I spent at kiosks provided a unique opportunity for collecting my thoughts and writing down observations. Similarly, my participation in inter agency meetings, where a variety of NGO actors and representatives of local, regional, national and European authorities gathered for the purpose of providing a coordinated response to everyday issues arising, presented a key opportunity for note taking and observation. Access to those meetings was not straightforward. One of the main obstacles I encountered was the claim that by now, many actors felt that Lesbos has been over researched, showing resistance and sometimes apathy towards the research process (Clark, 2008). Although I did manage to attend a satisfactory number of meetings, I was at times confronted with the feeling that I was not welcome by everyone.

More than a chance to keep up to date with developments regarding the vulnerability assessment process, these meetings allowed me to pay close attention to how subjectivities emerge or "the ways that people come to be the subjects they are in social space" (Salzinger & Gowan, 2018). I paid attention to the ways the participants institutional affiliations influenced their responses and how in turn their identities helped shape discourses related to vulnerability, asylum and humanitarian assistance. For example, lists containing the names and cases of individuals who were considered to critically vulnerable were often part of the agenda. Observing how the dynamics shifted between actors, those with medical backgrounds taking a clear lead in evaluating cases as opposed to social workers or lawyers, provided a clear indication of the dominant discourses that shaped the meaning and assessment of vulnerability and how these evolved over the period I was present on the island.

Participant observation does not always imply that the ethnographer fully participates in the activities observed (Bryman, 2016). I spent two days a week attending sessions between legal professionals and asylum seekers during legal clinics. I observed the physical spaces, the

relationships formed between asylum seekers and legal advisors, I jotted down the questions asked and how they were answered. This allowed me to gather data about the social organization of my informants work life and get an insight into the kinds of paperwork that coordinated the activities of lawyers in their efforts to assist asylum seekers. The additional analytical value in observing the situations and surroundings of legal consultations, interagency meetings and refugee social spaces lied in strengthening my understanding of the ways in which island as a bordered space was organised., what kind of information was available on information boards. Through my contacts with NGO outreach professionals I was able to visit on three occasions certain spaces within Moria camp. My intention was to uncover and understand how much of the law's definition of what constitutes a vulnerable individual is taken into consideration when doing outreach. In addition, I was able to observe how aspects of life were organised behind the barbed wire fence, and networked relationship of Moria to the other camps on the island. I understood these spaces were the material expressions of border procedures, waiting zones for asylum seekers but also the operational field of a wide variety of actors with competing interests. In this way, ethnographic participant observation has helped me gain a deeper understanding of the cultural meanings and contestations (Megoran, 2006) with which the activities of institutional actors were bestowed and how these differed from the flat geopolitical imaginations of what borders do one usually encounters in policy texts.

By the time I began my fieldwork in Athens at the end of 2018, the mood was one of increasing weariness about the fact that EU was going doing to withdraw funds supporting reception and the upcoming elections. I organised my time there between visits to reception centers and medical clinics, participant observation in parks and squares where asylum seekers and outreach workers meet and interviewing. My aim was to trace the spaces that those with vulnerability status occupy once they are sent to the mainland. These activities generated a host of emotions: nostalgia about my professional past, sharing memories how things used to be with past colleagues and quite often adopting the role of the one who offers a listening ear. Scholars have interrogated the place of emotions within research (Bondi, 2005) paying close attention to the relationship between emotions and the politics of knowledge (Meloni 2020). It would be an omission to not reveal the impact those ethnographic encounters have had on the ways in which I approached the findings in the field and the ethical issues that arose regarding protecting the identity of both my informants and refugees.

2.4.2 **“Getting at the inside”: interview strategies and intersubjectivity**

Interviews are a commonly used methodological tool. In human geography, as well as in other disciplines, “interviews are used in understanding interpretations, experiences and spatialities of social life” (Dowling, Lloyd & Suchet-Pearson, 2016, p.680). For my institutional ethnography of the asylum process in Lesbos, the initial, in-depth semi structured interviews were designed to provide as much detail as possible with regards to the organisational context in which vulnerability assessments were rolled out. Its operationalisation was experienced differently depending on the scale of involvement and professional affiliation of each of my interviewees, and the choice of semi-structured instead of rigidly structured interviews aimed at reflecting this diversity as an example of how people experience institutions. In doing that, I consider semi-structured interviews to be not a direct route to some pre-existing truth but rather an opportunity to examine behaviours and experiences (Longhurst, 2009). In total I conducted twenty-five in depth interviews, accompanied in most cases by follow up interviews which provided clarifications and additional information as the pace of changes with vulnerability assessments was fast. Out of those, ten were with legal professionals (working pro bono or recruited through an organisation), five medical aid professional, five humanitarian aid personnel and five national and supra-state agency personnel. In particular, the in-depth interviews with ten legal professionals, three of the five national and supranational staff and the five medical workers I conducted in September 2017 and the summer months of 2018 in Lesbos (in person and follow up interviews on Skype), provided the core interview data for the institutional ethnography of vulnerability assessments in Moria. The remaining eight interviewees covered the theme of reception, accommodation and access to services in Lesbos and Athens. I used both open-ended and structured questions, the latter in an effort to cross check information in relation to practices within Moria. It involved engaging probs such as tables with main actors and activities and schematic depictions of the vulnerability assessment chain drawn by hand; those tools assisted with guiding the conversation, identifying gaps or repetitions and the actors’ level of engagement with each stage of the process.

When thinking about selecting informants, institutional ethnographers seek to interview people with diverse experiences within institutions rather than relying simply on their professional titles (Griffith & Smith, 2014). I followed a similar strategy by looking to recruit

my informants relying not on their position of authority or membership in a particular community but on the breadth of knowledge and experience they carried out in relation to the workings of the RIC and the asylum process in Greece. Access to this group of interviewees was facilitated by referrals from former colleagues, using snowballing. Interviewees were sampled from a range of organisations, paying close attention to their ability to provide detailed accounts of how vulnerability assessments take place within the RIC. I purposefully looked for those profiles of legal case workers and humanitarian personnel who have been actively escorting migrants and refugees in interviews with immigration case workers. I saw this as a way of getting at the inside. Agreeing interviews with members of EASO and the Greek Asylum Service required persistence. E-mail communication included a summary of my research project, cv, ethical clearance forms and informed consent forms. In the end informed consent was given during the recording sessions. For the interviews I conducted in Athens I approached former colleagues who referred me further to relevant individuals with direct involvement in programmes aimed at assisting vulnerable groups, either through positions of governmental authority (ministerial staff) or as implementers of housing and asylum service programmes. Some of my interviewees were indeed placed in organisational or institutional hierarchies, but that did not mean that I found myself in a position of less power. I side with the post-structuralist view that sees power as something fluid and not possessed (Smith, 2006).

The main purpose of these interviews was twofold: first, to understand how vulnerability assessments are operationalised in the day-to-day activities of the RIC and second, to understand how vulnerability assessments organise other settings, outside the RIC and even the island. Instead of asking their opinions about vulnerability assessments, my aim was to work actively with them to map out the effects of vulnerability assessments translocally:

> The researcher's purpose in an institutional ethnography is not to generalize about the group of people interviewed but to find and describe social processes that have generalized effects. Thus, interviewees located somewhat differently are understood to be subject, in various ways, to the discursive and organizational processes that shape their activities (DeVault, 2012, p.383).

The first question I asked all my participants was 'what does vulnerability mean to you' followed up with 'how do you understand vulnerability in the context of asylum procedures'. While my interview guide addressed several themes relating specifically to the use of vulnerability assessments by case workers, legal aid personnel and humanitarian workers, my

interviewees would more often not treat them as separate instances. These often take the form of narratives and anecdotes as responses: they told not only the specific story of an individual's journey in the asylum process, and the role of vulnerability assessments in it, but crucially how the assessment connected to the broader objectives of governance. At other times, informants would tell the stories of the strategies used by immigration case workers and migrants themselves when trying to shape the assessment. In some cases, I thought that it was necessary to go back to the interviewee and have therefore done a follow up interview with the same interviewee. All together, these interviews felt like a common exercise between me and my informants, some of whom I had worked with in the past, with the aim of understanding how the legally constructed meaning of vulnerability was negotiated and appropriated by different actors, at different stages during the process.

Furthermore, as the complexity of the asylum process at the border makes it difficult even for those who engage with it every day to fully comprehend, every single interview was recorded, transcribed and often read multiple times before the next interview commenced. In order to build trust, protect confidentiality and anonymity and ensure quality and rigor in my qualitative data, I offered to send full transcripts to my interviewees of what had been recorded. I understood this to be working towards what Bailey, White and Pain (1999) called 'reflexive management' of the research process, which includes the continuing questioning of data. In two cases concerning a UNHCR and EASO employee, they felt that their views were not properly depicted in the script. In the first case, the interview had taken place in Greek and subsequently translated and transcribed in English. In the second case, the interview was held in English and went back to the recording through during a skype meeting. This brings me to the choice of language for my interviews. Being confident in both Greek and English, I opted for conducting the interviews in the language my respondents felt most comfortably in. This gave me the advantage of establishing rapport easier, particularly with Greek officials, who felt more confident in expressing themselves in their mother tongue. During our conversations, formality intertwined with informality, with references to the historical problems with the functioning of the Greek state in relation to how funds are distributed, and authority is exercised, allowing room for deeper discussions. Had I insisted on conducting the interviews in English, some of this nuance would have been lost.

I decided to ask participants to pick an interview location that would be most convenient to them. This has mostly brought me to their offices either later in the evening or earlier in the

morning, when things were slightly calmer. Others invited me to their homes on Sundays, the only day in the week when they were less likely to respond on emergencies, or at popular cafés in town. Some of the additional interviews were held over Skype. As Eldwood and Martin (2000) demonstrate, interview locations have their own micro geographies and the researcher might be able to understand a great deal about both the identity of the interviewee but also the social geography of a community. Professional spaces were a great opportunity to observe the relationships of my interviewees with their clients and colleagues. At home and in cafés as well as online spaces, I noticed that informants were more expressive of their own feelings of vulnerability in relation the difficult conditions of their work. Social media would sometimes become locations where I could follow the fast pace of events in Lesbos and help enrich the interview process. For instance, some of my interviewees had a strong online presence in their advocacy efforts with regards to the asylum rights. In few occasions, my interview material developed in a dialectical way with Facebook postings and Twitter feeds (Dowling, Lloyd, & Suchet-Pearson, 2016). Those participants who have worked professionally with me before would often ring my phone and discuss new developments as they happened.

Even though I was no longer professionally attached to any of these actors, it would be misleading to claim there was an absolute line of separation. Fedyuk and Zentai (2018) have emphasized the importance of "remaining reflexive about power relations without being lost in the fragmentation of a situational identification and encounter" (Fedyuk & Zentai, 2018, p. 181). What characterised these encounters was a co-production of knowledge. During the interviews we sometimes tried to make sense of and keep track of a complicated and constantly evolving relationship between vulnerability and asylum processing. New issues would come up all the time; there was an awful lot of cross checking and cross referencing. In referring to this co-production of knowledge, I am against the epistemological dualism of object/subject knowledge of research and I see the knowledge produced as situated and reflexive. Mauthner and Doucet (2003) argue that "situating ourselves socially and emotionally in relation to respondents is an important part of reflexivity" (2003, p.420). My encounters were marked by a mutual recognition of prior intimate involvement with the issues at hand. References to names, or the interruptions and continuities with past processes entailed a sense of 'you know what I am talking about, you know what difficulties we face because you have seen it from the inside'. During the interviews, there were emotional moments: instances of nostalgia about working on these issues prior to the 'refugee crisis',

recollections of people and places, amusement about the chaos of Greek bureaucracy and sadness about the conditions under which refugees have to live. Furthermore, geographers have been keen on finding new ways of approaching the interpretation of data, paying attention to the emotional and affective dimensions of social life (Davies & Dwyer, 2007). By trying to extract meaning from my analysis of the interviews and texts and to enrich our understanding of the meaning-making of vulnerability, I was attentive not only to what my interviewees were saying but also to their often-unuttered feelings of frustration, anger and confusion.

Engaging in in depth interviews and follow up conversations meant I was required to organise the analysis of long interview texts effectively and efficiently. I began by reading through and coding key themes. Some of these included explanations of how vulnerability operated as a managerial tool, discrepancies between official rules on vulnerability assessments and the actual practices, key actors and their involvement, themes relating to questions of rights, law, but also emotions that participants expressed such as wonder, anger, dismay and astonishment. During the analysis, I sought to understand how vulnerability is performed rather than ontologically given, paying attention to the many meanings the word vulnerability occupied within an interview script by the same interviewee. I had stored my transcripted material on Nvivo, which proved really helpful in the beginning, allowing me to establish the frequency of the themes I had identified and the relationship to other key words.

2.4.3 Positionality

In affirming my prior professional engagement, however, I am poised to reflect further on the kinds of relationships that developed as part of the situated nature of this research (Haraway, 1991). In particular, my own identity, emotions and feelings with regards to the manner in which my interviewees narrated familiar, yet often unpleasant stories and events informed to a degree my own positionality as researcher in the field as well as the ways in which information has been interpreted in this thesis.

My involvement in those intense years of Greek asylum reform meant that at least half of my informants treated me as an insider. The question how to mediate between this seemingly insider perspective and the researcher position is an issue I grappled with throughout this

PhD. Luckily, scholarly work on the question of insider positionality has grown in recent years (Dwyer & Buckle, 2009; Hayfield & Huxley, 2015; Mullings, 1999). These authors tend to reject binary and absolute notions of 'in or out' and argue this should be viewed in terms of a continuum, in which researcher insider positionality can have both advantages and disadvantages. Indeed, being an insider made access to both spaces and interview informants less complicated, it made this research possible given the time and resource constraints. I noticed, however, that my informants would sometimes take for granted knowledge about legal developments or actors that I would not necessarily possess, leaving gaps in our conversations. Similarly, I realised that being an insider is not fixed, but rather constantly negotiated. While I was often treated as an insider and former colleague, at other times I was positioned by my informants as an outsider, someone whose motivations were intellectually driven rather than because of my humanitarian concerns. Other times I was treated with suspicion and indifference, particularly from international staff. I therefore side with Merriam et al. (2001), who argue that researchers experience moments of both insider and outsider, as well as Dwyer and Buckle (2009), who think that being an insider boils down to acceptance. The authors challenge the insider/outsider dichotomy with the notion of the space between: "the intimacy of qualitative research does not allows us to remain true outsiders to the experience under study because of our role as researchers, it doesn't qualify us as complete insiders" (Dwyer & Buckle, 2009, p. 61).

There are several layers to my identity in relation to my previous role at the UNHCR. For the most part, it facilitated a quick immersion into the refugee management practises on the island and in Athens, as I was versed in the language, cultural codes and workings of the NGO's and relevant ministries. About half of my interviewees, legal advisors and NGO workers in particular, recognised me as a reliable and knowledgeable interlocutor who they can trust with revealing sensitive information. These raised complex ethical issues and dilemmas; their need to reveal the scale of injustices and chaos to someone who they knew had experienced that first-hand, led many of them to expose their dissatisfaction with the official policy lines of their respective organisations and their own struggles with their disenfranchised positionalities. Equally, examples of police misconduct were raised, requiring me to pause the recorder. Whilst grateful for their trust, these encounters put me in a moral dilemma (Valentine, 1999). I was apprehensive about how I should interpret and

represent such information in my findings. Most of the times I chose not probe further as I felt that these would make them feel uncomfortable. There were multiple occasions when I felt I was fulfilling the role of the good listener and even offered support and advise on how to deal with stressful situations. Yet, situating myself as an insider and outsider was a constant struggle during the research process. I constantly interrogated my own identity in relation to them. Returning to the field as a researcher gave me a completely different perspective in relation to the nature of the challenges both refugees and my interviewees were facing. I no longer identified myself as an employee of an INGO driven by humanitarian values nor constraints by their political agendas. My interviewees were experiencing events with an intensity and personal investment that I was not able nor willing to match. Their process of understanding and coping with events in the field provoked deep emotions in me. Being an outsider allowed me to maintain an appropriate distance from the day to daily conflicts and care for my wellbeing. Furthermore, reflecting on these differences helped me interpret the stories of my informants in a way that promotes transparency in the production of knowledge (Ali, 2015).

The other half of my interviewees were persons I had approached for the first time and were not aware of my previous involvement in the asylum process. My nationality and ability to speak to speak Greek fluently created the perception that I was 'one of them' as opposed to the 'foreign, English speaking' researchers who had made their presence felt since 2015 on the island of Lesbos. At the same time, I often felt I was viewed as a burden, as someone who is not there to contribute to solutions to the serious problems but was rather pursuing an academic career and was therefore self-interested. As an example, one of my main informants commented during our first interview that "his knowledge and availability had assisted many researchers advance in their careers, while he has received little in terms of recognition for it". This particular statement addresses not only the question of exchange and exploitation but also that of representation (Creswell, 2013). At once, it made me wonder whether his participation implied I was to return the favour; and whether in fact he took pride in constructing the narrative to be presented in the final process or it was a mere attempt to exert his power over the interview process countering the power of the objectification of the participant as a source of knowledge and information that all researchers inevitably exert to varying degrees. I navigated these grey areas by not denying the benefits of our discussions for my research and encouraging my respondent's meaningful participation by giving him plenty of space to lead in the conversation. Equally perplexing to some participants was my

presence within inter agency coordination meetings as an observant. Despite gaining access by invitation, I regularly received looks of mistrust and disapproval which caused me to feel insecure. I felt powerless as confronting these behaviours could have a negative impact on my continuous participation. This in turn impacted on the ways in which I later reflected on the dynamics presented by different actors in the final text.

2.4.4 Textual and Discourse Analysis

Vulnerability assessments are shaped by the individuals that enact them, as well as by a variety of texts whose aim is to regulate the practice of assessment locally and to coordinate the work of all those involved in assessing vulnerability in the RIC. Following Dorothy Smith (2001), there was a need of remaining reflexive about power relations without being lost in the fragmentation of a situational identification and encounter (2001, p.160). By arguing that ruling relations are often textualised, Smith (2001) is making a direct intervention in the ontology of texts. They are not to be studied only for their content; she claims texts do something. For instance, texts organise and coordinate certain work process within bureaucracies and institutions. This means that those who work in the RIC rely not only on their own knowledge and experience but also on textual discourses and categories in performing their daily work.

There is a hierarchy in the capacity of texts to coordinate work processes, whereby some texts, known as “mandating texts” (Quinlan, 2009, p.629), set the grounding work for developing other texts. The mandate to assess asylum seeker vulnerability is derived from within Law 4375/2016 of the Greek state. This document transposes the 2013 recast EU Directive on Reception Conditions into Greek legislation. Article 14, paragraph 8 defines the characteristics of individuals considered as falling under the category of vulnerability and calls the responsible authority (First Reception Service) to identify vulnerable cases within three days of their arrival in the country. The contradictory priorities embedded within L4375/2016, while making reference both to securing borders and protecting the vulnerable, organise procedures within RIC and often lead to harming rather than caring for those it seeks to protect. This is not the first time the notion of vulnerability is introduced within Greek Asylum Law. Although, as I will show in chapter three, additional categories have been

added in L4375/2016 compared to previous legal documents, what is of interest to this thesis is the way in which explanatory and guiding documents produced in the RIC regarding the operationalisation of vulnerability assessments result in reproducing or creating new contradictions. For institutional ethnographers, texts are understood as carrying and circulating institutional discourses by means of forms or protocols that are followed by other people in the organisation under question. Institutional discourse therefore refers to:

> Any widely shared professional, managerial, scientific, or authoritative way of knowing (measuring, naming, describing) states of affairs that render them actionable within institutional relations of purpose and accountability. Far more than 'jargon,' these are conceptual systems, forms of knowledge that carry institutional purposes and reflect a standpoint within ruling relations (McCoy, 2006, p.118).

As a result, all emerging textually mediated discourses that aim to reconfigure the practice of vulnerability assessments within the RIC provide an interpretation of vulnerability that is aligned to this legal document. Interviews and textual analysis regarding the operationalisation of vulnerability assessments in the RIC is presented in chapter four, which seeks to answer the second research question, namely *how vulnerability becomes identified, calculated and categorised by institutional authorities.* By studying the operationalisation of vulnerability assessments, I actively asked my informants for texts which aimed both at organising and consolidating work processes, ranging from police circulars to internal guidelines, medical manuals and certificates, and standard operating procedures specifically addressing how to conduct vulnerability assessments. In addition, I aimed to acquire forms used to assess people and categorise them as vulnerable and even texts that assisted asylum seekers navigating through standardised questionnaires that aimed to conceal rather than reveal their vulnerability. I did not manage to get through to all the documents I wanted; for instance, internal police circulars coordinating responsibilities on vulnerability procedures amongst the different actors involved in the hotspot were not made available. Neither was it possible to acquire EASO's vulnerability legal opinions, documents which were used to qualify an immigration case worker's decision and the grounds he or she refuses or assigns vulnerability. Access to these documents would have given me a deeper understanding of the weight of the decision-making power among different actors in the hotspot as well as of the dominant interpretations of what constitutes a vulnerable individual in the eyes of an immigration case worker. Still, the ones that were made available to me proved sufficient for my analysis. Some of these nuances I was able to extract in my interviews with legal case workers, who have themselves been present during vulnerability assessments carries out by

EASO and have navigated the fragile power balances between national and international staff. I was also given confidential access to vulnerability reports prepared by lawyers to appeal EASO's decisions, gaining thus an insight into key points to contestation. This brings me to an additional point regarding the way discourse is understood within IE. Instead of viewing discourse only as deployed to achieve certain political goals, they also recognise that counter discourses can be enacted (Teghtsoonian, 2016). Institutional ethnographers see a direct relationship between the texts and the work of individuals: "texts are never looked at in abstraction, devoid of the context in which people use them but once read or used in some way, they and the discourses embedded within them are viewed as being 'activated'" (Kearney et al., 2019, p.19). When looking at those texts, I paid attention to the timing of their release, as they allowed me to read into the dynamics between different actors in the RIC. By examining these texts, I was able to discern how the figure of a vulnerable individual is produced using specific language in the everyday work of RIC.

In my ethnography of vulnerability, I am interested in examining how vulnerability discourses affect the lives of migrants and refugees beyond Moria as they are linked to a range of ongoing processes of border and mobility governance. In chapters three and five respectively, which come exactly before and right after the focused analysis on the operationalisation of vulnerability in the RIC, I look at the notion of vulnerability first as a socio-legal construct built into the EU asylum legislation (chapter three) and then as a framework of humanitarian governance which underwrites efforts to assist with housing and social and psychological services (chapter five). This means that I am interested not only in how the notion of vulnerability becomes adapted to the strategies of the RIC but also in the broader relationship between vulnerability discourses and power. In other words, vulnerability becomes a researchable object in my thesis in the context of unravelling ruling relations but also in relation to larger discursive frameworks such as discourses of victimisation and security central to contemporary border and immigration controls.

What I am arguing here is that the way in which the vulnerable asylum seeker is responded to is intimately bound up with how he is perceived not only as vulnerable but also as someone who is the object of immigration controls. Policy documents continue to reiterate existing subjectivities and narratives about migration and vulnerability, relying on previous categorisations and quantitative distinction between for instance the 'vulnerable' and the 'most vulnerable'. In this way, they are understood to be performative. Foucault proposed

that discourses may be conceived "as practices that systematically form the objects of which they speak" (Foucault, 1972, p.49). To answer my first research question, *what has been the role of vulnerability in spatialising the relationship between the EU and its territorial edges and how has this contributed in reconfiguring the asylum process at the EU-Turkish border*, I look at the socio legal construction of the vulnerable asylum seeker in relation to historical categorisations and labelling of people on the move. In this way, I situate vulnerability in relation to discourses of border and migration management. Similarly, to answer my third question (*in what ways does the official vulnerability framework create layers of human worthiness and spaces of worth extraction*), I examine vulnerability in the context of contemporary moral economies of immigration controls in Europe.

2.5 **Limitations**

Although my research offers timely insights into the notion of vulnerability and its developing relationship with EU immigration and border controls, there are certain limitations to the approach I have taken in this research. The first one relates to the question of my restricted access to RIC, which therefore impacted on my ability to observe the operationalisation of vulnerability in practice. This would have allowed me to observe in person how medical professionals and immigration case workers performed vulnerability assessments and would have put the focus squarely on the everyday process of ascription, which would in turn have produced thicker descriptions of work processes in semi-carceral institutions. However, given the fact that both legal and medical procedures are rarely public for obvious reasons, it is also very likely that such an approach would have produced many more ethical challenges from the point of view of disclosing very sensitive and personal information.

The second apparent limitation relates to focusing on one out of a total of five hotspots which engage in vulnerability assessments. Going to one or perhaps two more RICs would have allowed me to compare practices and experiences, look for similarities or diversions in the way individuals working in RICs approached its operationalisation. This would have meant focusing more on the process of assessment and less on its effects. Nevertheless, focusing on one single case allowed me to capture in more detail ongoing negotiation of vulnerability designation among the different actors involved.

Conclusion

In this chapter, I have explained the methodological choices for my thesis. Researching vulnerability in relation to the institutional functions of the territorial border has meant engaging with the analytical framework of IE. I have explained that I began my research from the standpoint of those who are involved, directly or indirectly, in the process of vulnerability ascription, given my prior knowing and involvement in the asylum process. I also emphasised my approach to IE is guided by the idea of law as practice and a geographical lens onto vulnerability as a function of the territorial border.

In the next section, I then discussed the epistemological issues that arise when researching the operationalisation of categories that help materialise border governance. I also touched on questions of ethics and the challenges involved in doing research within carceral institutions as well as with individuals already classified as vulnerable by research ethic committees. I proceeded with the study locations, where described in more detail the particular challenges of researching the hotspot and its geographies (island and mainland), emphasising in particular my participant observation strategies. In the final part of the chapter I discussed how I operationalised my ethnography of vulnerability focusing in particular on the question of access, reflexivity and on the choice of interviews and texts.

Chapter Three 'The real ones have already crossed'

Introduction

"The EU-Turkey statement is for us the Ground Zero: from that day everything changed". M. listed the challenges but also successes of his office, taking care to explain politically sensitive aspects, the voice recorder going on and off at regular intervals. I had met the mayor's right-hand man on several occasions during the Transcapes research project. According to M., the mayor had written to Brussels on several occasions suggesting possible solutions to the continuing arrivals, including that asylum seekers may be processed in special centers in neighboring Turkey instead, avoiding the sometimes-deadly sea crossing to Lesbos, not to mention the costs of running the hotspots. What was eventually agreed between the EC and Turkey was impetuous: that asylum seekers reaching the Greek Aegean islands through the coast of Turkey would have their asylum applications deemed as inadmissible and subsequently be returned, on the grounds that Turkey is a safe third country. From the point of view of the local authorities, March 20, 2016 came with a sense of relief and vindication; the Agreement had succeeded in lowering the rates of arrivals which in turn meant that they could finally focus on restoring the islands' image as a holiday destination. From the point of view of human rights advocates it was a reckless and illegal agreement that denied millions of people the right to seek effective protection by sending them back to Turkey, due to the country's deficient international protection framework and human rights abuses record.

That first interview carried on for several hours. In the course of our conversation it became clear to me that M. was purposefully downplaying the implications of the Agreement for those seeking international protection in Europe. Ground Zero signified a fundamental shift in perceptions about the identity of border crossers. Despite having been dubbed as a legally questionable and morally deplorable Agreement, this shift became clear in his attempt to exonerate the Greek administration from their involvement:

> In reality, this Agreement is not in full motion as there are hardly any returns. However, those who are not accepted as refugees will eventually be returned. But we always act bearing vulnerability in mind. The Greek law is based on the notion of vulnerability in relation to the asylum process. It is no longer related so much to the refugee definition, as most refugees, understood in the legal sense of the term, have crossed through the border during 2015 and 2016. There are still some, but at this stage we are talking about asylum seekers whose asylum claim is judged on grounds of their vulnerability. Absolutely and exclusively so (Interview, male, Lesbos, May 2018).

This view, that the 'real' refugees had already crossed, echoed in my interviews and conversations with policy makers both at the national and EC level. It is telling of the way in which non-European others are governed as subjects following a very specific European temporality. Individuals who cross the Greek-Turkish border were understood to be refugees during 2015 but soon after, i.e. on or after March 20th 2016, they have reverted to being a bundle of 'mixed migrants'. Equally revealing is the deployment of a European ethics of vulnerability as a moral marker in asylum law and its current practice. The opinion that asylum claims are judged on grounds of vulnerability and not on the grounds determined in the Geneva Convention exposes an uncomfortable picture about the institution of asylum in Europe today. At the same time, such representations remove the agency from asylum seekers who are represented as helpless victims benefiting from a charitable act. Lastly, it presents a new challenge for those working in the RIC and tasked with identifying persons who, although unworthy of the refugee label, may still be afforded protection on grounds of their assessed vulnerability. Empirically, this chapter aims to provide a critical analysis of the legal and procedural changes that precipitated the genre of vulnerability assessments in the RICs.

As I will argue in the following pages, the question of international responsibility posed by the presence of migrants and refugees in the Eastern Aegean islands is directly related to the way the EU has imagined and politically produced itself (and others) as a space of international protection. This symbolic space in turn has been shaped over time, by a combination of policies and legal approaches, particularly through the development of the institution of asylum. Importantly, this is also related to the agency and identity attached to those who are seeking protection. M.'s conviction, triangulated with reports from non-governmental organisations that asylum on the Greek Aegean islands is hinging on vulnerability (HIAS, 2018), raises not only legal questions but also questions about the

continuing importance of labelling and the culture of disbelief that has developed with regards to asylum seekers' testimonies.

The chapter extends previous geographic studies who have demonstrated the ever-intensifying spatial strategies at deterring immigrants from the shores of the Global North (Hyndman & Mountz, 2008; Bialasiewicz, 2012; Hiemstra & Mountz, 2013). Those researching the US borders with Mexico, have drawn attention to the long-standing imbrications between economic restructuring and deterrence policies on the hand, and the relationship between immigration law and the racial exclusion of migrants on the other (Coleman, 2011; Sparke, 2005). In Europe, asylum systems and asylum laws remain national while EU institutions have also been drawing up legislation in the area of asylum. Dikeç (2009) documented the shift in the spatial scope and strategy of EU asylum law by focusing on the ways law creates spaces of lawlessness and moves overseas. He explains how such EU wide legislation operates "as a very effective and restrictive *border management tool*" (2009, p. 184 emphasis in the original). Scholarly attention has been directed to what has become known as the EU policy of asylum externalisation (Andrijacevic, 2010; Boswell, 2003; Hyndman & Wenona, 2011; Rajaram, 2013) of which the EU-Turkey Agreement would qualify as one of its latest examples. In brief, this policy refers to outsourcing the responsibility for asylum seekers outside the territorial borders of the EU, through for instance creating large containment facilities. In practice, however, asylum externalisation rarely involves the actual relocation of asylum procedures outside the EU's external borders but rather it aims at keeping them from accessing asylum determination procedures (Andrijasevic, 2010, p.148). As I will demonstrate, obstacles to accessing asylum procedures in Lesbos are additionally achieved by the introduction of new administrative categories.

In terms of theory, in this chapter I am interested in how bodies become entangled in geopolitical processes. Who are those people who struggle for entry in the EU imagined to be and why should their vulnerability matter in the asylum process at this historical conjunction? To explore this question, I look at the changes with regards to the institution of asylum on the Greek Aegean islands, focusing on the asylum procedures as these have transpired after the EU-Turkey Agreement. By way of introduction to the topic of refugeeness as a bureaucratic category, and to answer the first part of my question, I first problematise the notion of refugeeness before discussing how it became institutionalised within different administrative categories. As I will argue, the rise of the category of vulnerable refugee is intimately related

to the dehistoricization of the category of the refugee itself. I then proceed with a brief discussion on the European Asylum regime in order to explain the development of the notion of vulnerability within it.

The remainder of this chapter deals principally with the changes in the Greek Asylum process following the EU-Turkey Agreement. I interweave in ethnographic material and interview quotes with a critical discourse analysis of documents in order to analyse perceptions regarding the role of vulnerability in the asylum process during this period.

3.1 **The historical origin of 'refugeeness'**

> Who is this refugee, however, neither caught in perpetual flight nor settled in death; neither drowned nor burned nor asphyxiated? And what is it like to see her? (Tuit & Farrier, 2013, p. 267).

> If we want to create a political theory of the migrant itself and not the migrant *as a failed citizen*, we need to reinterpret the migrant first and foremost according to its own defining feature: its movement (Nail, 2015, p.3 emphasis in the original).

By revisiting the problem of the refugee definition, I aim to challenge a widely held conviction among policymakers I encountered in my fieldwork and which M. so unequivocally voiced in the ethnographic vignette above, namely that the 'real refugees' had crossed during the 2015 migrant event. The figure of the migrant who appears at the EU shore in 2015 is a socio-historical product, and their claim to refugeeness one of the most important political battles border crossers take up with restrictive asylum systems. In addition, acknowledging that refugeeness involves a definitional struggle is against the epistemological blindness of the reproduction of categories and it allows us instead to be critical of our post-colonial reality. Europe's efforts to influence the category never ceased. In fact, the EU has been trying to reinvent itself as a single politico-juridical space for the defense of human rights and the protection of those fleeing persecution most notably through its project of a Common European Asylum System, to which I will turn in the following section. In order to understand the current historical moment, in which vulnerability and not political persecution come to influence access to asylum on the European territorial frontier, one must understand the process of how the refugee had progressively become dehistoricised,

that is it has been lifted out of history. I consider this to be an exercise in getting the record straight about who is crossing the borders of EUrope[12] today.

There is disagreement among those writing within the interdisciplinary field of migration, forced migration and refugee studies about when the so-called refugee question occurred. For historians, refugees and displacement more general has been a constant feature of history[13] but became a problem for the international community only after the two World Wars and the establishment of the modern international order (Elie, 2014). This view is disputed by historians. For instance, in previous centuries, the Hugenots were similarly harassed by some and welcomed by others for their religion, knowledge and education (ConwayVan Ruymbeke &Sparks, 2003 While the international system of states has given rise to the notion as we know it today, additional insights locate the phenomenon in earlier social and historical processes. For Torpey (2000) the figure of the refugee is essentially linked to capitalist expansion and invention of alien registration (identification). The latter is a result of what he calls a painfully slow bureaucratic process of state creation and its seeking to monopolise not only violence but also the legitimate means of movement (2000, p.9). Like Torpey, Nail (2015) situates the modern refugee phenomenon historically to the seismic changes brought about by industrialisation, itself made this possible because of surplus and expendable population (Nail, 2015). The transformation of these surplus populations and their turbulent classifications into different categories, such as migrants and later refugees, is a process that has been shaped by the formation of nation states and notions of 'bounded citizenship' (Isin, 2012) and has had a profound cultural impact on the way we conceptualise our world, including labor, class and race relations. For this reason, it would be mistaken to assume a natural, historical evolution of the refugee category (Farrier, 2011), not least because the juridical and administrative processes have also considerably evolved.

From the point of view of post-colonial critique, refugee historiography is Eurocentric. Scholars point to the strong tendency towards representing refugeeness as a phenomenon that has occurred exclusively within Europe, ignoring the global processes writ large. This is not a historical omission but a product of political decisions and of a mindset which denied the imperial relations of domination and subordination that characterised political communities at

[12] I use the prefix EUrope instead of Europe to stress the political union and its border politics.

[13] Robin Cohen (1996) provides a compelling account of the changing notions of diasporas throughout history and the particular challenges that the Jewish diasporic communities faced with the emergence of the territorial nation state, however, diasporas ultimately pre-date and transcend the nation state.

the time. Engaging in archival research, Mayblin (2014) demonstrates how Britain specifically refused to accommodate the refugee movement outside Europe immediately after WW2 as it did not want to deal with the problem of colonialism, resulting in the purposeful exclusion from the right to asylum of a large part of the colonised world. The refusal of Europeans to take responsibility over the displaced in their overseas empires is only one aspect of the legacy of colonialism onto the refugee regime. The other aspect relates to the political and legal boundaries that characterise essentialist liberal subjectivities, such as the belief in the individual, rational choice-making subject which refugee law endorses. As Farrier (2011) argues, to claim asylum is the quintessential post-colonial act, as it both contests the 'place' assigned to the subjects and at the same time complies with that legal obligation. Arguably, the presence of these post-colonial subjectivities in the European space upsets the narratives and temporalities upon which the construct of Europe and European integration were built, inventing in response discourses of emergency and security in order to manage their presence (Kinvall, 2016). The narrative that 'real' refugees have crossed in 2015 and the role of asylum law in facilitating this chronological differentiation between the asylum process before and after the EU-Turkey Agreement, must be seen as part of these colonial continuities.

The impetus for the development of the refugee as a legal subjectivity developed progressively through the interwar years, which were marked by intense movements of population. Peter Gartrell's (2013) depiction of the challenges posed on the millions who became displaced by the dissolution of old territories and the creation of homogeneous states are telling of a disjointed international community and a relatively toothless League of Nations, at the time the refugee label was associated with group persecution. As the author explains, the League of Nations was first mandated with arranging the repatriation of Russian refugees while member countries would hesitantly agree on extending its mandate to other groups, one being the Greeks who were collectively expelled during the dissolution of the Ottoman Empire, but not for instance to the Spanish escaping the civil war. Progressively the collective loss of protection was abandoned in the post-war regime, which established instead the notion of an individual with 'well-founded fear of being persecuted'. The principle reference became the 1951 Geneva Convention on Refugees, a key legal document for which the United Nations High Commissioner for Refugees serves as its guardian. As Hathaway (2017) explains, the purpose of the Treaty was to deal only with the problem of legal status protection:

> the Treaty was conceived not to relieve the suffering of all forced migrants, but rather to assist a subset comprised of persons who were "outside their own countries [and] who lacked the protection of a Government"…The drafters' focus on enfranchising persons forced abroad also reflected a candid appraisal that the broader problem of persons dislocated within their own countries would demand a more sustained commitment of resources than was then available to the international community (2017, p.17).

The perhaps obvious conclusion from this change of approach is that the enhanced juridical character given to the figure of the refugee by the Convention is that it overemphasises legal status over the many possible difficulties those who have fled might be facing. Hannah Arendt ends her lyrical essay about her intimate experience of being a refugee with a devastating political comment: "The committee of European peoples' went to pieces when, and because, it allowed its weakest member to be excluded and persecuted" (Arendt, 1958, p.274). Her assertion about the failure of the international community to recognise the persecution of Jewish people during the Second World War relates to a central discussion in her work about excluding some (the displaced) from the right to have rights. For Arendt, the refugee plight consists of being displaced, essentially existing 'outside of law'. Because they are excluded from citizenship, refugees' struggle is one for inclusion. However, for this process to begin, the displaced must first find themselves in a country where such a judicial process is permitted in the first place. The Refugee Convention is also an indication of how human displacements have historically been subordinated to powers of classification and the myth of the nation state. Academia is not an exception: the experiences of displaced people as these have been recorded and theorized through the years have their own disciplinary effects on maintaining migration categories in the service of those in power. For Chimni (2009) Refugee Studies and Forced Migration Studies always reflected hegemonic politics: "[t]he migrant is enmeshed in and is at the cutting edge of social transformations that are global in scope. It brings to bear upon the category 'refugee' the weight of the past in ways that are yet to be fully understood" (2009, p. 23). This final point opens to a brief discussion about the refugee label and the production of administrative categories.

3.1.1 Administrative categories

The refugee label, like that of the asylum seeker, is dynamic, morally loaded and judicable, therefore contested. Historically, it has become institutionalised into the international legal regime by powerful states following the dominant cultural perceptions of what constitutes the refugee experience. Nevertheless, discussion about the production of the refugee category

through labelling occurred relatively recently in academia. The most cited work is that of sociologist Roger Zetter (1994; 2007), who termed "the labeling of refugees as a historically contingent product of institutions and their interests as well as associated bureaucratic procedures for the purpose of telling them apart from other migrants" (Zetter, 2007, p.174). This process is ongoing today and is associated with the continuous fragmentation of asylum into procedural layers, as I will demonstrate in the analysis of the post 2015 asylum landscape in section 3.3.

The notion of the 'real refugee' is juxtaposed by that of the 'illegal migrant', a terminology amply used today in policy, media and public discourse. Scheel and Squire (2014) problematise the rise of the category 'illegal migrant' within the historical "emergence of particular 'figures migration' that become institutionalised as categorizations of migrant groups" (2014, p.197). In this way, the overwhelming view of the figure of the refugee from the south as economically deprived had gradually shifted the naturalised distinction between forced and voluntary migrants, into that of legal and illegal, sidelining the political dimension of asylum seeking. "Through the interrelated processes of criminalization and victimization migrants, agency is either constructed as excessive or as impoverished. As such, migration is either reduced to a problem of law enforcement or to a problem affording humanitarian practices" (Scheel & Squire, 2014, p.196). As the authors explain, the act of categorisation entails an attribution of agency to their mobility; in a sense, their victimisation does not preclude them of agency, but rather it is the type of agency they are given that raises concerns as they are presented as law breakers and liars. Again law (or its lacking) comes to over-determine the figure of the asylum seeker.

These categories need to be understood in the context of the historical discourse and practices of asylum and protection, as well as specific spatial practices. The problem with labels is that they exclude experiences. This is because administrative categories rarely correspond fully to the political and sociological reality of displacements: legal categories cannot be the ultimate arbiters of social realities (Chimni, 2009, p.24). Aside from the well-known categories, such as refugee and asylum seeker, new ones appear which correspond to processes of inventing legal limits that take place as part of migration management. For instance, persons issued with a deportation order are categorised as deportees or failed asylum seekers. The actual circumstances of those individuals, the fact that they are most likely detained or misidentified by the authorities as not deserving international protection is concealed. As such, current

asylum systems do not reflect the realities of displacement but rather the needs of administration and policy narratives. As an example, Noll (2006) argues that asylum law has progressively adapted to the impact of globalisation on the state, by nurturing a cultural identity about the persecuted subject firmly focused on the credibility of the claimant. Similarly, and owing to the widespread discrediting of that credibility, asylum seekers' sick bodies have recently surfaced as evidence for the provision of subsidiary protection instead of refugee status (Fassin, 2012; Ticktin, 2011). Assessing vulnerability as proof of persecution, instead of recognising it as an embodied and relational feature of our lives, is in this way a symptom of restrictive asylum systems and further circumscribes the figure of the refugee as historico-political subject to her sick or vulnerable body. The belief 'real' refugees have largely crossed during the 2015 migration event, relies on a particularly European temporality of crisis and continuity which has framed many of the policy responses so far. Indeed, one could argue the opposite, that those who stayed on longer in conflict areas would have even more stronger claims due to the greater risks to their lives. However, those ideas tend to rely on linear narratives about the origins of refugees and the timeline of the refugee journey excluding alternative temporalities (Kinvall 2015). From the 20th of March 2016 onward, the vulnerable appear along with the few remaining legal refugees and the category of the vulnerable asylum seeker is given a new meaning. Last, the idea the real refugees have crossed, reinforces this idea of EUrope as an enduring space of protection that must be safeguarded from the outside.

3.2 **The Common European Asylum System (CEAS)**

> If our only criteria are vulnerability, and we are not talking about international protection, then there is an issue with the Dublin Regulation. Consider for instance the example of a mother head of single household, who is beyond any doubt a vulnerable case: does she become accepted, is it harmonised to all 27 EU member states – when the Greek Law accepts her as vulnerable and therefore worthy of international protection? Is there a chance that people who have gone through the Dublin Regulation procedure are sent back to Greece? Germany for example has given asylum to many thousands but some of those claims will be rejected. Many of those will be returned to Greece because these asylum claims are being examined anew. So, they will process the asylum claims for those who have arrived until the EU-Turkey statement, and from that date onwards, the asylum process takes place at the border (Interview, female, Lesbos, June 2018)

I open this section with an interview quote that brings to the fore first, the inevitable variations among member states in their use of the vulnerability concept and second, the complex intertwinement of vulnerability as a basis for granting access to territory and to the asylum process with the broader management strategies of asylum in the EU. I begin with the latter in order to give the necessary context for this research.

Scholars understand that the EU migration and asylum regime is not a homogenous entity but rather a complex constellation of rules, regulations, national and international actors, laws and policies (Balch & Geddes, 2011; Danièle, 1999). From this reading emerge several contestations: first, that policy making is not unidirectional but polycentric (Lavenex, 2006, 2016) shaped by a host of different and often competing actors, state and EU bureaucrats, NGOs, lobbyists and courts, conjuring into a 'migration apparatus' (Feldman, 2012). Second, the need for complexity reduction necessarily leads to standardisation. In other words, while dynamic and ever-changing, it is also continuously bureaucratised and harmonised with the aim of growing into a "full scale monitoring of transnational movements along the union's external border" (Feldman, 2012, p.63). Harmonisation has been the guiding logic behind the creation and continuous development of the CEAS. Migrants are themselves part of this constellation in the way in which they invent tactics of subversion in order to avoid controls or through their labor struggles, themselves generated out of capitalist processes in conjunction with state borders (Mezzadra, 2007; Tsianos & Karakayali, 2010).

From the point of view of regime analysis, the development of CEAS is not the outcome of a linear process of policy development but rather of complex, messy and unruly practices and connections between law, bureaucracies, discourses and migrant movements. Simply put, the vision for a Common European Asylum System is pursued through the introduction of legislative and policy instruments (EU Directives), which member countries are required to gradually transpose into their own legislation in order to achieve a high degree of policy harmonisation; however, given that migration, asylum and borders are deeply connected to issues of national sovereignty and member-states' legal traditions, policy convergence has remained low (Balzacq & Carrera, 2005). As a political project, CEAS assumes the collection of EU member states morphing into a golden standard for international protection, were minimum standards are applied to a variety of processes, from entry and reception to the practical realisation of asylum procedures and returns, setting the EU apart from 'lesser' asylum systems elsewhere. This means that we need to consider CEAS and the broader

project of EU integration "as a space defined through postcolonial understandings of power, imperialism and global trajectories" (Kinvall, 2015, p.153). The European Asylum Support Office (EASO), which became operational in 2011, is mandated to support the implementation of CEAS. In respect to the process of EU communitarisation, CEAS is attached to the Schengen Agreement incorporated into European Law in 1997 with the Treaty of Amsterdam (Figure 1). The Schengen Agreement encapsulates the process of reorganisation of border controls, whereby the lifting of internal borders transfers checks to the external frontiers. Walters (2002) problematises the birth of "Schengenland" as a historical moment which signals its function not just as political but also a biopolitical border, as a tactic of ordering mobility.

Since its conception, asylum has been auspiciously incorporated into methods for managing migration. As mentioned in the introduction, the merging of the question of asylum and migration had already taken place through the invention of the external dimension of the EU, built around narratives of preventing the occurrence of mass migration events, measures to export controls to countries of origin as well as provisions for the facilitation of returns (Boswell, 2003). The ambition of harmonisation was further facilitated by the technical dimension of this regime, namely the capturing and sharing of biometric data which put citizens and migrants in a vulnerable position towards the state (Broeders, 2007; Dijstelbloem & Meijer, 2011). With externalisation measures alone proving inadequate, EU member states sought to find ways to increase internal mobility controls for asylum seekers and refugees. The response to this challenge came with the Dublin Regulation, previously the Dublin Convention. This is a legal framework that regulates the country responsible for carrying out the asylum procedure to prevent asylum seekers lodging applications in different countries. It is guided by the notion of *country of first entry*, which obliges individuals to seek asylum in the first EU country they enter, and facilitated by Eurodac, a fingerprint sharing database. In short, should the authorities in the UK intercept an asylum seeker who has been fingerprinted in Greece, then Greece is obliged to accept the return of this individual and process their asylum claim. Scholars have begun researching the strategy of transferring the responsibility of asylum examination, a financially and administratively challenging task, to countries situated at the territorial frontiers of the EU as a glaring example of the diffusion of responsibility for asylum both between countries (Hess & Kasparek, 2017) but also within countries themselves. The latter becomes apparent as asylum is being handled "by many

hands, which include street-level bureaucrats as well as non-state actors, operate on a local, national as well as transnational level" (Eule et al., 2018, p. 190).

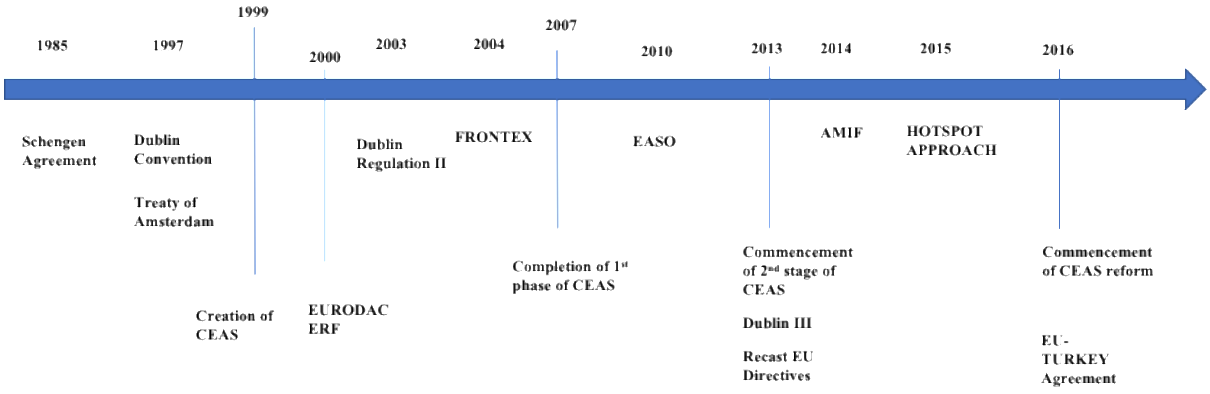


Figure 1: Timeline of key CEAS developments (source: the author).

Migration events that followed the Arab Spring in 2011 and conflicts in the Middle East culminating in the increased arrivals of migrants and refugees in 2015 led to the collapse of the EU border regime as it was designed, adding the aspect of more "intensified security-humanitarian regimes" (Hess & Kasparek, 2017, p. 63). It had also led the European Commission (EC) to kickstart the process of reform of the CEAS that has not yet concluded at the time of drafting this chapter. Studies of the shifting border discourses during the aforementioned period however tend to focus on humanitarian border policing (Pallister-Willkins, 2017, 2018; Perkowski, 2018) as well as NGO search and rescue activities (Stierl, 2018; Cuttita, 2018) and less on the implications on asylum. This chapter aims to fill this gap by highlighting the relevance of asylum and vulnerability in redrawing the terms of in/exclusion to European territory. As Hess and Kasparek (2017) rightly noted, the intervention of European Agencies under the rubric of the hotspot approach aimed primarily at close inspection of asylum procedures at the Greek and Italian borders. Additionally, asylum is deployed as a management strategy through the dimension of externalisation by incorporating Turkey into the EU list of 'safe third countries' for asylum seekers in general and 'first country of asylum' for Syrians in particular. In the following sections I will offer an analysis of the post EU-Turkey statement reconfiguration of the Greek asylum process, which draws on the logics of emergency and exception introduced by the hotspot approach. With this discussion I direct attention to the role of both asylum law and geography in the emergent asylum and border regime. But first, I turn to examine the development of the concept of vulnerability in CEAS.

3.2.1. The notion of vulnerability in EU Directives

The notion of vulnerable persons appears in two distinct EU Directives. First, Directive 2013/33/EU, known as the Reception Conditions Directive (RCD), lays down the minimum standards of living conditions asylum seekers are entitled to enjoy in member states. Paragraph four spells out the obligation to assess the special reception needs of vulnerable persons. The broad definition of vulnerable persons includes minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation. Second, the recast Asylum Procedure Directive 2013/32/EU (APD), which set out common procedures for granting and withdrawing international protection, reinstates the provision of specific procedural guarantees[14] to vulnerable applicants and adds a temporal element. Specifically, § 29 requires member states to identify applicants with special procedural guarantees before a first instance decision is taken, in other words during the initial stages of the procedure. Applicants that may need special procedural guarantees include those because of their 'age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders, or as a consequence of rape, torture or other serious forms of psychological, sexual or physical violence'. There is a widening of the scope of characteristics, abilities, bodily conditions and social and or mental conditions attributed to the vulnerable compared to those in the RCD[15].

In the face of it, the idea that certain individuals, due to their personal circumstances or special needs, merit for special procedural guarantees may underscore the provision or enhancement of entitlement for those who are in need. In asylum law, the enhancement of entitlements is understood to be directly linked to the process of establishing a truth claim, it is about safeguarding the best possible conditions under which the administrative and

[14] Procedural guarantees generally refer to the legal rights of applicants, including legal assistance and representation, the right to information and interpretation, the right to be heard in a personal interview. Information retrieved at https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/common-procedures_en. Accessed last 18/04/2020

[15] It is important to make the distinction again between the vulnerability of certain individuals and or groups of asylum applicants as indicated by the Directives from the vulnerability of asylum applicants as a group, an interpretation supported by the European Court of Human Rights (ECtHR). A more detailed discussion of the two is provided in the ECRE (2017) report, *Vulnerability in the Asylum Procedures*, including the risk that the ECtHR interpretation runs in stereotyping and stigmatizing asylum seekers as vulnerable and therefore lacking agency.

legalistic refugee determination process can occur – as an ideal type. Special procedural guarantees as interpreted in the context of the Greek asylum process can invariably refer to the conditions under which the asylum interview is being conducted, who conducts the interview, the length of the interview even in relation to the total duration of the asylum process. In other words, if the asylum process is too short (fast track or accelerated procedures), indicating an erosion of standards and lack of necessary legal provisions, then special procedural guarantees appear as enhancing protection and as counterbalancing the effects of fast track procedures.

EU Directives in this way mobilise the notion of vulnerability from the perspective of safeguarding the rights of particular individuals who fulfill certain characteristics. Accordingly, an applicant is vulnerable only if he or she has what the law identifies as 'special needs'. However, as Hancock and Costello (2016) point out, the characteristics of someone's vulnerability, such as that of a torture victim, may be contested within the process of refugee determination. If the refugee determination process rejects the person's claim to international protection, then they are automatically no longer deemed as vulnerable despite being a torture victim. Conversely, those with physically visible signs of torture would be most likely afforded both the recognition of special needs and international protection. In this way, the identification of vulnerability through an interview process weighs in substantially into the filtering and selection of applicant profiles, which is precisely the direction the Greek asylum process in the islands has taken since the implementation of the EU-Turkey Agreement.

When singling out certain asylum claimants with special procedural needs as persons who are most likely worthy candidates of international protection, then vulnerability becomes a key norm from which the terms of recognition as refugee are debated. The point I want to make here is that the reliance of the Greek asylum system on the notion of vulnerability as a marker for international protection is not accidental, but rather a logical consequence of the way in which vulnerability is approached within policy and legal documents. This is particularly evident in the language used in the APD regarding the need to identify vulnerabilities as a means to address abuses to the asylum system. In their examination of second-generation directives (Recast Directives, see *Figure 1*) adopted by the European Parliament, Hancock & Costello (2016) point to the tendency of reinforcing two competing frames of the asylum subject, the 'abusive' and the 'vulnerable' asylum seekers (2016, p. 368). According to the authors, this stems from a strong emphasis on the acknowledgement that some asylum

seekers have special 'procedural needs' or are particularly vulnerable. Similarly, both the Reception Directive 2003/9/EC and its Recast 2013/33/EU single out unaccompanied minors and victims of torture and violence as in need of receipt of special treatment by member states.

While in both definitions the concept of vulnerability is linked to the enjoyment of rights and fulfilment of obligations, the special reception needs of a vulnerable person are there as an enabling measure, whereas the special procedural guarantees come to stand in place of someone's reduced abilities. As Jakulevicine (2016) explains, while every person with special reception needs is constructed as a vulnerable person, not every vulnerable person is in need of special procedural guarantees: in other words, their ability to participate in the asylum process is not hindered by their general vulnerability (2016, p. 360). In the first instance, the notion of vulnerability is constructed in a general way to designate a variety of personal circumstances that may interfere with the asylum process and may also serve to fulfil a minimum reception standard for those with special needs. In the second instance, vulnerability is described in relation to the failure or success in identifying special needs and is directly linked to the refugee determination process. This ambiguity is also reflected in the variation of concepts:

> However, even if EU law provides non-exhaustive guidance in the enumeration of vulnerable groups, there is a risk that the inconsistency between the classes of persons in need of special procedural and reception guarantees as defined in EU law translates into ambiguity in domestic legal orders. In fact, European countries do not seem to have taken a consistent approach to the procedural and reception guarantees required by vulnerable groups when transposing the Directives into national law (ECRE, 2017, p.16)

As a result, a member state may for instance consider that someone with a mental disorder is not "in need of procedural guarantees" but is "vulnerable with reception needs", or vice versa. However, since both Reception and Asylum Procedures Directives offer non-exhaustive enumeration of categories, it is always matter of interpretation (ECRE, 2017). For instance, Greek legislation recognised victims of shipwrecks and their family members as a vulnerable category, a notion which has been heavily disputed and eventually withdrawn following pressure from the EC. Aside of the ambiguity of the notion in the way it is constructed in the two most recent Recast Directives, Hancock and Costello (2016) point to a third, more consequential aspect of the notion. While some asylum seekers are cast as in need of procedural guarantees and of special reception and are therefore entitled to beneficiary treatment such as adequate housing and psychosocial support, the rest fall under the

progressively punitive procedures of "abusive asylum subjects" (2016, p. 442). This is further sustained by the claim that differences in asylum reception conditions will lead to asylum seekers 'shopping' for better alternatives elsewhere. This is evident in Recital 8 of the preamble of recast 2013/33/EU which states that "the harmonization of reception conditions should help to limit secondary movements of applicants influenced by the variety of their conditions for their reception". The frame 'abusive' asylum seeker is juxtaposed to that of the 'vulnerable' one in EU Directives just like the notion of 'illegal' asylum seekers is set against the idea of a 'genuine' refugee in both policy and media discourses.

The final point relates to the question of how the obligation of member states to identify special procedural needs and vulnerabilities is actually implemented on the ground. Again, the mechanism in place varies greatly from country to country. For instance, while some member states have set up formal arrangements such as dedicated vulnerability units within their asylum systems (where vulnerability is examined through a variety of interview, medical assessments and other tools) others have opted for an informal approach, usually relying on the involvement of NGO's (ECRE 2017). Such was the case in Greece until the summer of 2016 when Law 4375/2016 came into place. While in the next chapter I will present a detailed discussion of how vulnerability came to be operationalised within Reception Identification Centers (RICs) as a more or less formalised process, I now turn to examine the role of vulnerability in the development of the Greek asylum process.

3.2.2 Greece: No place for the vulnerable

> ES: The temporary removal of Dublin returns to Greece is still applying. But if they are not returning to Greece then they should be returning them to the first safe country. If that doesn't work, then they have to return them to their country of origin.
>
> Me: You are basically saying that at some point they are going to have to make Greece a safe country to return.
>
> ES. Well, yes this will depend on a lot of issues, it is not just a legal issue but primarily it is a political decision. But since the reform of the Dublin Regulation is under way, this will play a big role and also on what financial resources Greece will receive to manage the reality that asylum claims will only be processed in Greece. Then there is the question of whether they will be granted freedom of movement later on and when. At the moment, everyone counts on being able to claim asylum in Greece, get granted protection and then move onto another European country through the Schengen Code. A lot will be negotiated with regards to the onward movement of those granted asylum in Greece – this is very much a live subject.

The question of asylum seeker vulnerability had been closely linked to Greece's control capacity as a net receiver of asylum seekers, itself an aspect of the broader strategies of strengthening EU external border controls. A decade or so earlier, EU pressure to reform the asylum system in the country emphasised Greece's inadequate legal framework as well as its obligations to both the Schengen and Dublin Regulations. Already when I began working at the UNHCR office in Athens in 2010, there was no independent asylum service at the time, but rather the refugee determination process was carried by police officers, serviced by a single police unit in the capital Athens. The implementation of the Dublin regulation presented further practical and political challenges. In particular, adding to the load of asylum applications launched in Greece, authorities were also obliged to deal with the asylum applications of those returning through the Dublin procedure. In response, returnees were often met with deportation orders or were thrown out of the asylum process on grounds of absconding from their residence (Papadimitriou & Papageorgiou, 2005). In effect, migrants were largely discouraged from filing asylum applications (also geographically, as they had to travel to Athens), and many others were summarily deported and detained *en masse*. The UNHCR report listed a number of concerns regarding the treatment of those seeking international protection including 'push backs' and expulsions by group arrests, prolonged periods of detention and lack of access to the asylum procedures (UNHCR, 2009). For reasons of political efficacy but also from an asylum rights perspective, the Greek asylum reform enjoyed wide support both within and outside the country.

The technical expertise required to rearrange national legislation transpired through the behind-the-scenes involvement of the UN Refugee Agency. An independent asylum service and first reception service were eventually established with Law 3907/2011, which also transposed the 2008/115/EC Directive on Returns in line with the gradual process of harmonisation. Greece had by then already concluded negotiations with Turkey on a bilateral readmission agreement, as part of the external dimension of the EU's border controls[16].

[16] The very low response rate of readmission acceptance by Turkey meant that the Protocol remained largely ineffective. Figures from the 2013 ELIAMEP report saw that between 2006-2012, 10.1% of the readmission requests were accepted by Turkey and only 3.15 were eventually returned. Around the same time, negotiations about Turkey's succession to the EU paved the way for the 2013 EU-Turkey readmission agreement covering initially Turkish nationals residing in EU member states and was to be later extended to cover third country nationals too. That moment came with the signing of the EU-Turkey statement in March 2016. Following the analysis by Ulusoy & Battjes (2017), Art. 21 of the EU-Turkey Readmission Agreement states that on the date of entry into force of the readmission agreement, previous agreements shall no longer be applied. Since the Greece-Turkey readmission protocol is no longer applicable and there are no other Protocols signed to the

Altogether, the creation of a credible asylum system in Greece has been a peculiar exercise of legitimising migration management through asylum (Kasparek, 2016). Political pressure grew exponentially with the suspension of Dublin removals following a ruling from the ECtHR M.S.S v. Belgium & Greece and joined Cases C-411/10 and C-493/10 N.S. v. Secretary of State for the Home Department ruling of the Court of Justice of the EU (CJEU). The move of the ECtHR to punish Belgium for returning the Afghan asylum seeker to Greece on grounds the he would be subjected to inhumane and degrading treatment was hailed as a major victory for the rights of asylum seekers. The Courts had ultimately decided that the individuals from Afghanistan belonged to a particular vulnerable group (the asylum seekers group) on grounds of their uncertain legal status. The decision echoed a long-standing concern expressed by academics and legal advocates for the ways in which Dublin produced precarious conditions and discrimination (Kasparek, 2016). Crucially, it had legally codified the figure of the vulnerable seeker, giving legal precedence to an interpretation of vulnerability produced as a result of state actions or lack of it, challenging the assumption that EU countries are safe for everyone. This deeply colonial presumption underlying Dublin Regulation II and by extension the Refugee Law in Europe, which holds that all EU countries are safe for non-Europeans, rests on the simple fact that they have ratified the Refugee Convention (Juss, 2013, p.312), without questioning the protection framework they have put in place.

As the case of Greece shows, even when they are deemed not safe for some, there is nothing that good governance cannot fix. The moral panic over the inefficient asylum procedures was, in my opinion, principally cultivated by the presence of EU bureaucrats, seconded officials from member states, of the newly nascent European Asylum Support Office (EASO). In fact, the reconstruction of the Greek asylum system was EASO's maiden mission. Owing perhaps to the enthusiasm of this first mission, many of the officials I encountered in my capacity as a liaison had unmistakably neo-colonial attitudes, disrespecting local officials, showing up at Ministries uninvited and making inappropriate interventions. The unequivocal aim as clearly stated during meetings at the time with EASO colleagues was the re-introduction of the Dublin returns which had been suspended at the time. Efforts to reform the Greek asylum system through tactics that often borderlined

present date, readmissions from Greece to Turkey are without a legal basis. VU Migration Law Series N15, accessed last on 19/04/20.

coercion, need to be seen as a political project that sought to legitimise Greece's standing as a safe country for all, including the vulnerable.

Strategies concerning Greece's capacity to manage migration through asylum became overt following the 2015 migration event. Once an area is declared a hotspot, the European Asylum Support Office (EASO), Frontex, Europol and Eurojust come in to assist member-states to swiftly identify, register asylum application and fingerprint incoming migrants[17] (European Commission, 2015). Introduced in the European Agenda on Migration in May 2015, the hotspot was presented as an integrated approach to tackle the unruly movement on Europe's borders and its knock-on effects on the EU. It was introduced in conjunction with the 'emergency relocation mechanism', an alternative method for allocating member state responsibility for examining asylum applications for those who had crossed the Mediterranean Sea into Greece and Italy and remained there once border checks were reintroduced. Eligible for relocation are individuals whose nationality scores a 75% recognition rate according to Eurostat, framed in relevant policy documents under the new category 'of persons in clear need of protection' and with the most vulnerable among them granted priority. To be eligible they also had to have landed in Greece between the 16th of September 2015 to the 19th of March 2016. In one stroke, European member states would demonstrate their solidarity towards the heavily burdened Greek and Italian asylum administrations and in turn, only those with substantially high chances of being awarded international protection would qualify for the programme. The Relocation Mechanism reinforced the link between genuine asylum claimants and vulnerability as well as the idea that 'real' refugees had already passed.

As I have explained elsewhere with others (Painter et al, 2017), by forcing individuals entering irregularly into the EU to request asylum at the frontline member states where they arrive, and singling out the most deserving to be relocated to the asylum systems of the North, the hotspot and relocation mechanisms institutionalised a new approach to the

[17] Despite the EC/FRONTEX/EASO intervention with additional seconded member state personnel to assist with coordination/ fingerprinting/asylum casework respectively, the length of the procedures continued to pose serious problems to the management of asylum applicants. According to data from the Greek Council of Refugees, nearly half of the asylum applications launched in 2018 were pending for more than six months from the day of full registration. Although I was not able to find disaggregated data for each asylum registration unit, anecdotal evidence from my interviews suggest that the length of the asylum process (including appeals stages) in Lesbos would take in average over a year, depending on the rate of incoming asylum seeking population as well as on the length bureaucratic procedures. The impact of the duration of registration, fingerprinting and asylum process on the operationalisation of vulnerability assessments will be discussed in the next chapter, however it is important to note that the longer asylum seekers are made to wait for a decision the larger the impact on their health and well-being.

management of mobility. Interestingly, among the many proposals put forward by the EC to reform CEAS in 2016, was that of a permanent distribution mechanism replacing the Dublin Regulation, indicating the EC's the intention to continue with the policy of containment in its territorial fringes. Finally, the hotspot roadmap which the Greek government was requested to follow in order to fulfill its Schengen obligations included an agreement with Turkey following the announcement of Turkey as a safe third country for certain asylum applicants by the EU. This is a political agreement between each member state and Turkey, which is tied to the hotspot approach implemented on the Greek Aegean islands, as hotspots are set up to manage arrivals from the Turkish coast. In practice the agreement requires asylum and border authorities at the Greek hotspots to select whether an asylum claim will be examined in Greece or in Turkey following a set of criteria largely based on the nationality and appearance of vulnerabilities of the claimant. For a number of legal and humanitarian actors operating on the island, the hotspot roadmap as a whole has resulted in augmenting the number of those in precarious situations, legally or otherwise, through illegalisation, extensive use of detention and practices of neo-refoulement (Hyndman & Mountz, 2008). In this way, the European Commission's hotspot in Lesbos has earned its place in the political geography of the global detention archipelago (Mountz, 2011). Its violent effects are publicly repudiated through its depiction by the former Greek Prime Minister Alexis Tsipras as a 'warehouse of souls'.

3.3 **The Greek Asylum Process following the EU-Turkey Agreement**

During our first encounter with A., I pulled out the asylum procedures map and asked if she could explain how vulnerability relates to the procedures at the border. A Hawaiian of Jewish descent, A.'s passion for justice led her from graduating from Law School to soon sitting in the front seat of a global network of asylum rights advocates. She went on to become one of my interlocutors:

> So, first of all, vulnerability is attached to the first of the interviews which is admissibility. This is a giant net that you use to catch as many loose cases as you can to throw them back to the last country from which they travelled, to argue that other countries should be responsible for them. So, vulnerability is also used as a means to remove" (Interview, female, Lesbos, May 2018).

Figure 3 depicted the reconfiguration of the asylum process on the Greek hotspot islands following the EU-Turkey statement. There are dozens of arrows going in all directions

reflecting different processes and steps one is likely to go through upon arrival on any of the five islands where the hotspot approach is implemented. The fuchsia tinted box centered on the top reads *vulnerable persons* is followed by an arrow that points to another tree tagged *regular procedure*. Vulnerability regulates traffic, sending those deemed vulnerable to the regular procedure and those not, to the border procedure. Following data provided by the Greek Council for Refugees, out of the 23,212 first instance decision taken under the fast-track border procedures in 2017, 15,788 were admissible for reasons of vulnerability. While in 2018, out of 35,134 first instance decisions, the number reached 21,020. As my interviewee explained, given the considerably diminished chances of being offered a decent hearing in fast-track border procedures, "their only chance to a fair assessment depends on the successful assessment as vulnerable".

Referring to the unchecked power of sovereign jurisdiction Goodwin-Gill (2007) remarks that "states have devised fictions to keep even the physically present alien technically, legally, unadmitted" (Goodwin-Gill, 2007, p.207). The implication is that their presence on the islands does not allow automatic access to the asylum process but rather, it is handled first as an administrative matter of admission, which generates the administrative layer of admissibility. Crucially, admissibility procedures became the main mechanism used to determine which asylum claims will be assessed in Greece and in Turkey. When an application is decided on its admissibility, then it means that the applicant's claim is examined in relation to the assumption that she is able to access protection in another country. This in turn suggests, following the recast APD, that member states will not examine an asylum application on its merits, should the claim be deemed inadmissible.

So far, I have demonstrated the importance of asylum as a migration management strategy. In this final section of the chapter, I want to emphasise first, the importance of the islands as the geographical point of the application of asylum. Since 20th of March 2016, it has mattered greatly if an asylum seeker crosses into the Aegean islands instead of the land border in Evros as she will be exposed to entirely different legal regimes. In transposing the APD onto L4375/2016 and to complement the implementation of the Agreement, all those entering following March 20, 2016 are obliged to remain on the islands through the imposition of a

geographical restriction[18] issued by the Greek Asylum Service (GAS) and to seek asylum there[19]. Together with the EU-Turkey statement, they inflict considerable harm on border crossers' chances to access the regular asylum process and condemn thousands to legal precarity and destitution in the hotspots, while adding multiple risks to their life following possible return to Turkey. Not only do the physically present remain unadmitted, it further prevents asylum seekers from seeking refuge elsewhere in the EU. Second, I have shown how Greece's condemnation by the ECtHR on the grounds that it represents an unsafe country for asylum seekers due to their legal vulnerability has resulted in a process of sustained interventions aiming at the country's reform of the asylum system. In this section I analyze the role of vulnerability in sustaining the new spatial relationship between the EU and its territorial edges, prompted by Turkey's accession to the list of the EUs' safe third countries. There is a qualitative difference in relation to how vulnerability is presented in L4375-2016 as a means of reassuring the appropriate treatment of vulnerable individuals at the stage of first reception, from its role as traffic regulator on the islands. Indeed, it is even different from the way it is understood and assessed in the Greek mainland.

3.3.1. L4375/2016

As in many European countries, the refugee determination process has two stages: an administrative and a juridical one. In the first stage, asylum requests are examined by the Greek Asylum Service (GAS) and in the case of appeals, by the Independent Appeal Committees. An individual may claim asylum once within the territory while many asylum applications are made at the border or in the so-called transit zones (airports, ports etc.). In

[18] The decision on GAS to impose a geographical restriction on claimants of international protection is an interpretation of a provision in L4375/2016, article 41, paragraph 1, regarding the imposition of measures of limited restriction of movement and for a limited period should there be serious reasons of public safety. The geographical restriction was temporarily lifted after a decision of the Council State 10464/31.5.2016 on the grounds that it was unconstitutional and puts an enormous and unfair burden on parts of the Greek territory. A new decision for a geographical restriction was issued by the Asylum Service only two days following the annulment of the previous decision. Finally, L4540/2018, which transposes EU Directive 2013/33 on Reception Conditions, established the grounds for geographical restriction in paragraph 1 of article 7.

[19] According to the Greek asylum statistics, in 2016, 5,091, were registered in Lesbos RIC compared with 11,947 in 2017, 17,267 in 2018 and 22, 251 in 2019. Athens, which was previously the largest asylum application location, registered 14,141 applications in 2016 and from then on these numbers fell to 8,838 in 2017, 8,375 in 2018 and 7,988 in 2019. These numbers are indicative of the relocation of asylum from mainland Greece onto the Greek Aegean border islands and Lesbos in particular and support my claim that asylum has been used as a migration management in the Greek hotspots. Information was retrieved from http://asylo.gov.gr/en/wp-content/uploads/2020/03/Greek_Asylum_Service_data_February_2020_en.pdf. Last accessed 20/4/2020.

the latter case some EU countries adopt border procedures, provided certain conditions are met, such as minimum procedural guarantees and safeguards. These are not uniform among member states as border crossing, as a geopolitical act, is governed by multiple norms and regulations intrinsic to member states' political traditions and practices. Indeed, there is a tension between the prerogative of a member state to refuse entry to a third country national (inscribed in the Schengen Border Code) and their obligation under CEAS to allow access to those seeking asylum under the principle of non-refoulement. Cornelisse (2016) identifies this tension between on the one hand, the not easily relinquished sovereign right to exclude and on the other, the rights and obligations stemming from presence into the territory.

Law 4375/2016 published in the State Gazette on the 3rd of April 2016, was adopted under an urgent procedure in the Greek parliament, in view of effecting the required changes necessary for the implementation of the Agreement. As I demonstrate, the Law and its subsequent amendments produced a contingent legal geography on the Greek Aegean islands, evident in the creation of a two-tier system for granting international protection. The two-tier system refers to the differential processes and guarantees applied in the mainland and at the territorial edges (hotspot islands) respectively, sketched out in Figure 1 as regular procedures and fast track border procedures. The focus is decisively one of rendering their intention to submit an asylum application on the hotspot islands as non-admissible. Interestingly this differential process is not applied to the Evros region, the land border between Greece and Turkey (see Figure 2) but affects only those who cross the sea.

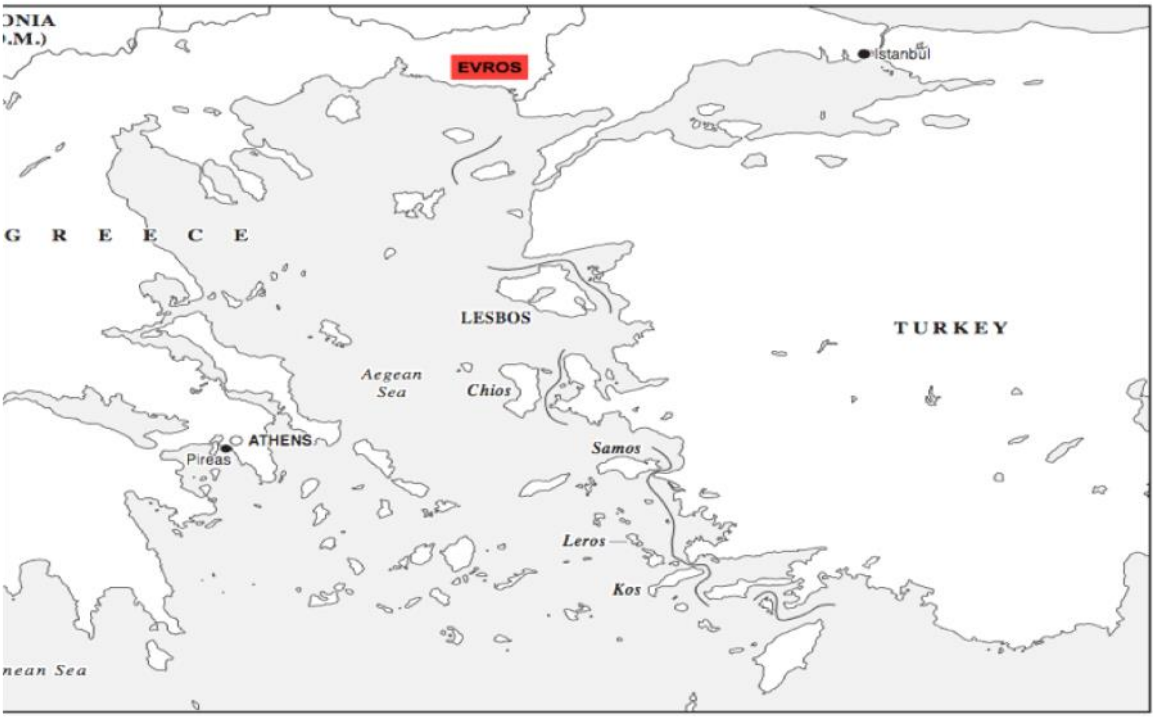


Figure 2: Map of Evros and the Eastern Aegean Islands (source: the author)

L4375/2017 transposes the recast Asylum Procedures Directive (APD) onto national legislation. What the recast APD does is to open the way for the adoption of additional procedural layers into the asylum process. For instance, besides the regular procedure for examining asylum claims and protection needs, member states are now encouraged to incorporate a) an 'accelerated procedure' for those claims deemed manifestly unfounded, b) an 'admissibility procedure', which examines whether the claim is the responsibility of another country without examining protection needs and c) a 'Dublin procedure', which allocates the responsibility of examination of the asylum claim to another EU Member state[20] (ECRE, 2016). In relation to border procedures, the APD tries to restrict its use (Cornelisse, 2016), however article 43 encourages the application of border procedures for the application of decisions on admissibility and for decisions regarding the substance of an asylum application of Article 31(8). There is again a huge variation in the transposition and implementation of this approach while there is a substantially lower recognition rate in member states for applications processed within border, accelerated and admissibility procedures compared to regular asylum procedures (ECRE, 2016). Greece had not been

[20] For detailed analysis on the admissibility procedures within the Common European Asylum System please see ECRE 's Asylum Information Database (AIDA) report: https://www.ecre.org/wp-content/uploads/2016/09/ECRE-AIDA-Admissibility-responsibility-and-safety-in-European-asylum-procedures.pdf. Last Accessed 16/06/2020.

systematically using these border procedures but has come under intense pressure to do so in the context of the hotspot approach.

Article 60 of L 4375/2016 establishes thus two different types of border procedures, a regular and fast track one, in which different procedural layers of guarantees are applied. The *regular border procedure*, which is only applied at airports and not on hotspot islands (ECRE, 2017), envisions the same procedural guarantees as the regular one in the mainland yet with shorter deadlines and a 28-day limit on detention. The *fast track border procedure,* however, is geographically inscribed onto the five Eastern Aegean islands. Moreover, it is unmistakably linked to the implementation of the EU-Turkey statement, as it has been voted in only a few days following its entry into force. As the title suggests, the purpose of this procedure is to examine and decide speedily (no more than two weeks) on the outcome of a claim for international protection. Unlike the regular border procedure, the focus on an even speedier examination of claims has had its toll on procedural guarantees and safeguards[21], which is the reason why the vulnerable are exempt from it in the first place. In addition, asylum case management in the RICs is designed in such a way that distinctions are made a priori between nationality groups with high and low recognition rates. This means that only the asylum cases of people who are most likely to be rejected are processed; the principal focus is on assessing whether their asylum procedure can take place elsewhere through, the admissibility procedures.

[21] Following information presented by the Greek Council for Refugees, the fast border procedures were introduced as an extraordinary and temporary procedure which is however still in place today. It has come under fire by numerous human rights organisations, including the UN Special Rapporteur of Human Rights, who characterised them as the lowest possible standards under the EU Asylum Procedures Directive. Besides the short timeframes, two other provisions stand out as exceptional and problematic from the point of view of legality: first, that registrations of asylum applications as well as notifications of decisions can be conducted by the Hellenic Police, a decision which reinstates the role of the Greek police in the asylum procedure which human rights organisations and the UNHCR were at pains to remove. The second and perhaps most consequential is the provision under Article 60 (4)(b) of L4375/2016 and subsequent amendments which give the possibility for EASO case workers and interpreters to conduct asylum interviews. https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/fast-track-border-procedure-eastern-aegean. Last accessed 21/04/2020

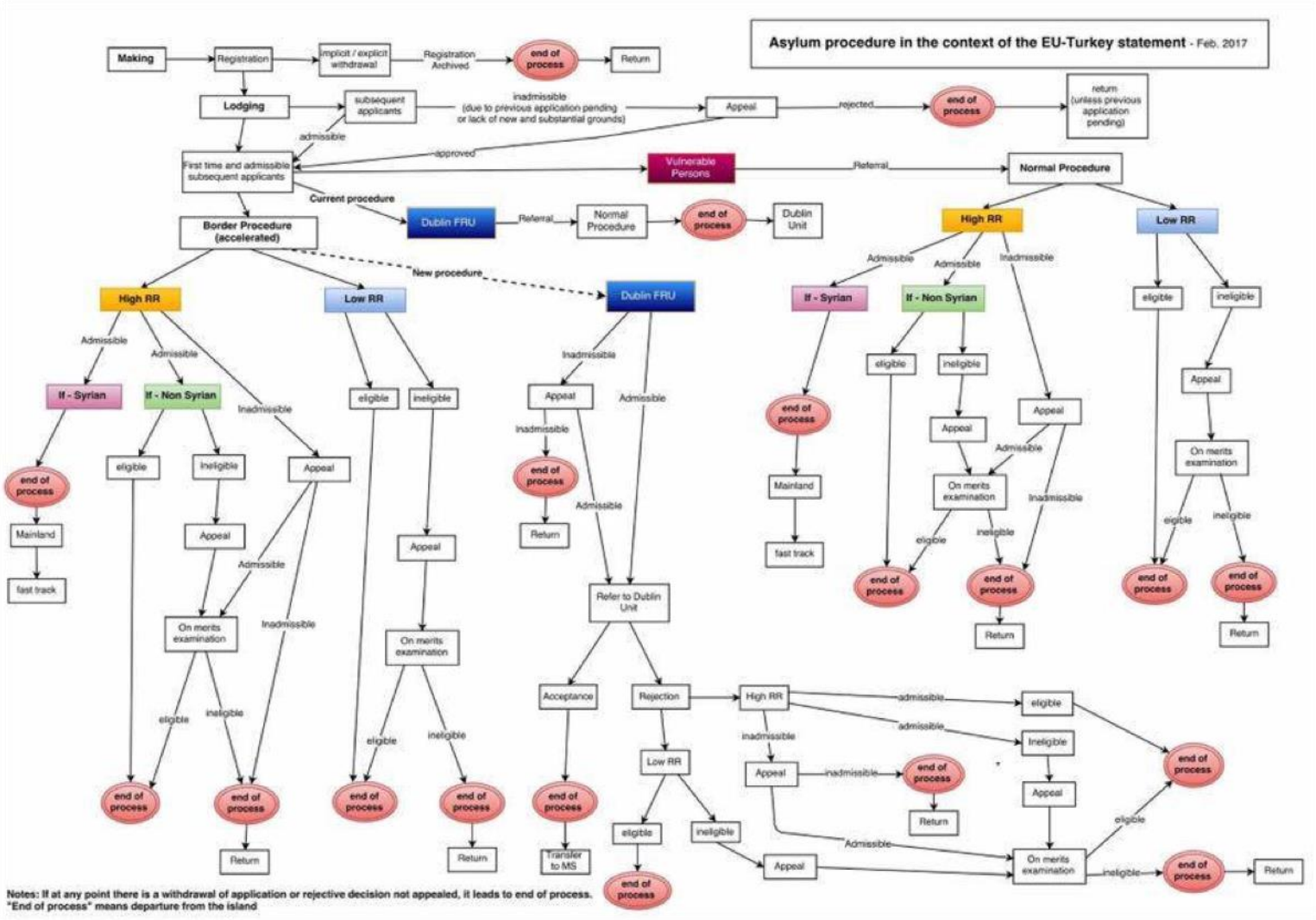


Figure 3: The Asylum Procedure in the context of the EU-Turkey Agreement (Source: Asylum Information Database).

Exempt from both admissibility and fast-track border procedures are those who have been found to be vulnerable. Article 8, L4375/2016 sets out the parameters for the establishment of the Reception and Identification Service including its operational remit. Article 14(8) L4375/2016 identifies the following categories: unaccompanied children, persons suffering from disability or incurable illness, pregnant women or new mothers, single parents with minor children, the elderly, victims of torture, or other serious forms of psychological harm, victims of sexual violence or exploitation, victims of human trafficking and last, persons suffering from post-traumatic stress disorder, in particular survivors and relatives of victims of ship-wrecks. The vulnerable benefit from priority registration of their asylum claim and for housing, they are allowed to move freely within Greek territory (they are exempt from geographical restrictions), including the mainland, where they could have easier access to services. In other words, the vulnerable can automatically launch an asylum application in the regular procedure[22]. By establishing the Reception and Identification Service as the entity responsible for identifying vulnerable individuals including through a medical screening, vulnerability enters for the first time into the formal mechanisms of the state. Crucially, given the exemptions afforded to those identified as vulnerable with regards to the asylum procedure and geographical restriction, vulnerability assessments become consequential to the outcome of the asylum process:

> I must say that vulnerability plays a dominant role on the islands. It's a screening tool, well for me it's very 'managerial', it has taken a completely different form from what we knew vulnerability to be years ago, in terms of what it means that someone is vulnerable in the asylum procedure and how you will do the RSD assessment of this- now it has become a lot more managerial. In the way you say OK, I have to implement the EU-Turkey deal, therefore the concept of the third safe country – so within that, vulnerability appears as a complimentary screening tool, for me, that's how I perceive it. So, for those who fall under the EU-Turkey deal, I will follow up the admissibility with an additional screening, based on vulnerability. In this way, I can see how many I can send to the mainland, and for the ones that aren't vulnerable, I can send them onto the next stage, which is a very straightforward admissibility procedure. (Interview, female, Skype, October 2018).

[22] Launching an asylum application at the regular procedure meant that vulnerable individuals were transferred to the mainland as there was no possibility to undergo the regular procedure on hotspot islands. This has changed in the beginning of 2018 when the asylum service begun examining claims under the regular procedure on the islands with the help of extra personnel provide by EASO. Under the new legislation, however, vulnerable individuals continue to have their asylum claims processed under the border procedures, as specified in article 39 para. 6 of law 4636/2019.

Following L4375/2016, RIC authorities are obliged to identify vulnerable individuals within three days after their arrival, an impossible timeframe according to my respondents. In practice, vulnerability designations happen either prior to the registration of asylum (most likely at the admissibility phase) or during the asylum procedure. Informants also explained that if vulnerability is not identified before the individual has reached the admissibility stage, then it is at the discretion of the case worker to request the initiation of a vulnerability assessment.

The identification of vulnerability became a politically contentious issue. In a press release published by Human Rights Watch in June 2017, the organisation claimed representatives of the GAS intervened during a coordination meeting arguing that the number of those deemed vulnerable was simply too large, owing to the expansive interpretation of vulnerability given in L4375/2017. A similar opinion was expressed in an annex to the Joint Action Plan Report[23], which addressed progress for the implementation of the EU-Turkey Agreement, adding that the EC is working with EASO in defining the vulnerability categories and establishing the necessary templates. Contrary to this statement, humanitarian and human rights groups monitoring living conditions and the asylum processes argued that vulnerable persons were under identified. Political pressure was also directed against the Asylum Appeals Committee with regards to decisions which overturned previous opinions about Turkey being a safe third country for particular individuals. Whether direct or indirect, political pressure to minimise the number of those designated influenced the operationalisation of vulnerability assessments, as I will show in the next chapter. From another perspective, the decision to operationalise vulnerability in the asylum process through L4375/2016 is linked to the implementation of the EU-Turkey statement. Following my informant, a former UNHCR protection officer and lawyer by trade, vulnerability has been used to legitimise the border procedure:

> Politically, they had to ensure that Greece appears as a safe space with good reception conditions, in order to implement the Agreement. Vulnerability assessments provide exactly this reassurance that authorities respect human rights and standards. In my opinion, the authorities later realised that a separate vulnerability assessment may also provide the platform upon which they can operationalise the criteria for a safe third

[23] Annex 2 to the report from the Commission to the European Parliament and the European Council (COM 2017)669 final: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_annex_2_joint_action_plan_on_the_implementation_of_the_eu_turkey_statement_en.pdf. Last accessed 22/04/2020.

> country. Once a vulnerability assessment was established on the islands as part of the procedural tracks, authorities quickly realised that it wasn't going to have the desired result, in other words justify returns (Interview, female, Skype, October 2018).

Informants expressed the belief that the operationalisation of vulnerability presented both challenges and opportunities. Considering the tight procedural deadlines and evident orientation of the border procedures towards rejections and returns, the prospect of gaining entry to the asylum process in Europe via the vulnerability avenue carried a hopeful message for rights-minded individuals. This is because in asylum law, a person's vulnerability automatically bestows entitlements in the form of procedural allowances. "Being exempt from the admissibility procedures may well save your life", was a phrase I heard many a times during my fieldwork. Meanwhile, not everyone is affected in the same way. As it was consistently pointed out to me during this research, vulnerability is not simply important, but decisive in relation to Syrians. Owing to the application of the safe country concept, Syrians are automatically subject to an admissibility procedure, which tests the country that is responsible to examine their asylum application and does not examine reasons for persecution. During the interview, they are allowed to speak exclusively about their experience in Turkey. Unless they were found to be vulnerable, it was almost certain that Turkey would be considered a safe third country for them to return.

Besides Syrian nationals, EASO case workers included individuals from other nationalities with an over 75% recognisability score in their positive legal opinions about Turkey being a safe country to be returned to[24]. Opinions and practices were divided on that front. GAS case workers, on the contrary, issued opinions under the principle that there are no guarantees for nationals from Afghanistan, Iraq and other countries with high recognition rates, that they will receive the necessary protection in Turkey and rendered their claims admissible. Vulnerability had become a means by which to avoid the admissibility stage or conversely, its denial served as a way to enforce the safe third country concept. EASO's support with the implementation of the EU-Turkey statement and their decision making powers in relationship

[24] According to statistics by the Greek Asylum Service, nationals from Yemen, Syria, Palestine, the Stateless and Eritrea top the recognition rates in the country while nationals from Syria, Afghanistan, Pakistan, Iraq and Albania are presented as the top five nationalities of individuals with registered asylum applications in the country from 2013 to the present. The number of applications from Syrian nationals increased to 26,677 in 2016 from 3,490 in 2015 and remained the highest number of applicants until 2019. Applications from nationals of Afghanistan, Pakistan and Iraq also increased exponentially during this period, questioning overall the assumption that the 'real' refugees had already crossed. Information retrieved from http://asylo.gov.gr/en/wp-content/uploads/2020/03/Greek_Asylum_Service_data_February_2020_en.pdf. Last accessed 12/4/2020

to vulnerability in particular had come under scrutiny already in 2017 by the European Centre for Constitutional and Human Rights (ECCHR) and reinforced by an evidence base report conducted by a legal organisation on the ground (HIAS, 2018), which I will explore in more detail in the next chapter. The politicisation of vulnerability was perhaps unavoidable given its status as a traffic regulator in the new asylum procedures map on the island. Informants explained that GAS case workers considered it a matter of professional decency not to apply the safe third country concept indiscriminately, but that they had also openly taken a political position which sent a message to the EC regarding their asylum externalisation policy. It is important to note here that a large number of GAS case workers present in Lesbos at the time were legal professionals trained by the UNHCR for the purpose of setting up the independent Greek asylum service. Decision 2347/2017 from the Council of State regarding the case of two Syrians who lived in Mytilene, the capital city in Lesbos, that Turkey is indeed a safe country for them and were therefore returned, revealed the justice system had different intentions towards the implementation of the Agreement.

The reliance of the current asylum case work practice on statistical probability is arbitrary and discriminatory as certain individuals are excluded from various processes on the grounds of their nationality. It is also a retraction of one of the main principles upon which the post-World War II refugee regime is built, namely the examination of individual asylum claims. Those with a less than 25% recognition are rushed through the eligibility procedure, where they are summarily issued deportation orders. These nationalities originate largely from African and some Asian countries. As Guild (2013) argued, expression of sovereign power over the body common during Europe's colonial history evidently manifest today, producing racial hierarchies with regards to who gets to access asylum systems. Racial stereotyping is also practiced by police officers in Lesbos who target certain groups for inclusion into pilot detention programmes. Finally, returns to Turkey, as M. expressly argued in the beginning of this chapter, rarely take place. This translates into a considerable number of individuals, particularly Syrians and Afghanis as well as from other refugee producing countries, not finding an appropriate avenue to seek protection in Europe. As a geographer, I am compelled to ask: where have they gone?

Conclusion

Recalling Mustafa Dikeç's (2009) prediction that the 'where' of the asylum will become increasingly important for geographers and those concerned with the interdisciplinary study of migration, I have sought to demonstrate the significance of the geographical application of asylum in the post EU-Turkey statement regime. By relocating the asylum process on the five Aegean islands, the latter become vestibules for realising the aims of deterrence and expulsion.

The EU-Turkey Agreement, succinctly referred to by my interviewee in the introduction to this chapter as Ground Zero initiates a transformation in EU efforts to control migration and the border. Crucially, it generates a momentous shift from the timeless right to the recognition of refugeeness and vulnerability towards a juridical understanding that it is highly individualised, time-dependent and assessible. It is not enough to be physically present on the Aegean islands in order to exercise your right to asylum. In many ways, this shift reflects broader transformations taking place in the post-industrial world. As I have argued elsewhere with others (Vradis et al., 2018), the compartmentalisation of what we once thought as universal rights into conditional, time-dependent and revocable rights have been most evident in the precarity of zero-hour labour contracts. Indeed, it was not long before the demand for humane and flexible working days was turned on its head: the certainties associated with collective labor rights are fast disappearing and individual dependent conditioning is taking its place. Similarly, refugee vulnerability escapes the normative discursive sphere as a recognition of the legal precariousness to non-citizens from which they need to be protected and becomes instead an individualised condition that is retractable and dependent on the whims of bureaucracies.

As I have shown, with asylum gradually subsumed under the logic of immigration controls, the refugee question is redefined by polarising notions of vulnerability and abuse. In this sense they are not excluded by law, as Agamben (2007) would have it, but they have an even more precarious relationship to this. Their ostensible vulnerability and national origin have become points of convergence for a number of spatial and temporal practices that aim to govern migration (Mains, 2013). Finally, I think it is important to consider who are the main subjects of refugee law in the EU today. It matters that it is the Syrian, Afghanis and Iraqis because it is their histories that are being erased, despite the direct involvement of many western nations in the conflicts and poverty that often caused them to flee.

Chapter Four Vulnerability as a weapon

Introduction

It was nine o'clock in the morning on a day in June 2018 and I was sitting in one of the temporary food kiosks outside Moria. I started chatting with the person sitting next to me, a young man from Pakistan. We exchanged stories about life in the UK, he told me about his family and his longing to reconnect with them. I raised my eyes as I saw my informant approaching, looking visibly distressed. She apologised for being late and began recounting this morning's events. She had just returned from a meeting with the Congolese community leader – the people's leader, she emphasised, not the UNHCR appointed one, where they have been discussing the case of a young Congolese woman suffering from tuberculosis (TB). The woman was living at the time in an ISO box along with 35 other people. With the risk of contagion being extremely high, it was imperative that she was taken to hospital for treatment. The woman had been identified as vulnerable but had received no treatment. A month ago, according to my informant, she presented herself for an interview. I recount her story: "At this point, applications from nationals from Congo were treated as inadmissible", she explains, pointing to the nationality of asylum seekers as an unknown variable within the asylum procedure. And she elaborates:

> So I put her vulnerability assessment on top of all her papers and told her that as soon as she gets into the room to show the papers to the interviewer, and say this is from my lawyer, you have to look at it and start coughing and [I] tasked the interpreter to do the same. Now the thing is she still has to go through a final test to prove her TB. It's not that I wanted her to infect anyone, but I needed them to get her out of the room and straight into the hospital...so I made damned sure she wasn't coughing on their face. I am so angry… tell them to look at this document before you do anything because it was written in perfect handwriting that this woman has TB you need to get her to a hospital.

Visibly distressed and almost in one breath, my informant described the lengths to which legal advisors are prepared to go in order to get their message across. As they are not always allowed to be present during interviews, ensuring that immigration case workers will observe the process diligently is not a given. Simply stating that she was suffering from TB was not enough. As my informant explained, a TB diagnosis may involve a blood as well as an x-ray test, and unless these tests are evaluated by a doctor and a final diagnosis is produced, such

pathologies which require the state to take special measures in relation to the reception and asylum procedure may well, as in this case, be ignored.

> This interview lasted for 4 minutes because they had to call an ambulance and take her to the hospital, and she got her treatment, and this is the most horrible thing I have ever done as a lawyer and I admit it. But it means that all these people would no longer be exposed to her sickness, she was given treatment and those interviewers in the room would have been 7 or 8 hours in the room exposed to her coughing. So, it was appreciated. This is the kind of thing you have to do *to turn vulnerability from a weapon of the interviewer back at them, as a weapon of the refugee*. You see the problem is – and speaking both about the admissibility and eligibility test of the interviews, that they are supposed to pass on the vulnerable status as well as the eligibility status over to Regional Asylum Service. But that depends on the first adjudicators honour, and yeah the honesty and decency of the interviewer to recognise that here, I have a person who is vulnerable, and I have the responsibility to call in an assessment officer and to have them assessed so they can continue to be processed correctly. (Interview, female, Lesbos, June 2018).

With this emotional story my informant laid bare the high stakes involved in demonstrating an asylum seekers vulnerability, and turning it, as she exclaimed, from a weapon in the hands of the interviewer (who is inclined to rush an asylum seeker through the derogated border asylum procedure) into a weapon in the hands of the refugee, with which she can claim her asylum rights. In this wider context, this chapter tells the story of how vulnerability is rendered into a calculable form of knowledge that shapes the experience of being identified as vulnerable, through the practices of those who embody law, the state, and bureaucracy at its territorial margins.

This chapter presents the results of the institutional ethnography of vulnerability assessments as they have been operationalised in the Reception and Identification Centre (RIC), or hotspot of Moria. Throughout this chapter I use the term 'hotspot' specifically to point not only at the infrastructure but also at the chain of actors with competing and complementary interests, who perform the EU's administrative border practices. In doing so I provide an insight into the environment in which a variety of professionals struggle with the weight of an international agreement to operationalise categories of vulnerability prescribed in law. The chapter is structured thematically around the organisation of border and asylum procedures in which vulnerability assessments are anchored within the bureaucracy and looks in particular at efforts to establish a common template on assessing vulnerability.

In chapter three I have situated the notion of vulnerability within CEAS, and its association with polarised arguments that posit migrant subjectivities either as deserving victims worthy

of compassion or as law breakers with economic motives. This chapter focuses on how certain individuals become entitled to be vulnerable and others not. By so doing, it examines how the vulnerability categories inscribed in L4375/2016 become part of the everyday work of professionals. Alongside the analysis of perceptions and assumptions regarding the dimensions of vulnerability among those who are called to operationalise the notion within the current institutional context, I introduce the role of policy documents and vulnerability forms for structuring the decision-making process. These textual interventions and their activation showcase the centrality of documentary forms of knowledge in the coordination of activities that produce vulnerable and non-vulnerable subjectivities.

This chapter also digs deeper to elaborate on my broader argument about how the notion of vulnerability is being re-signified through border work, and that this process is best understood through an analysis of discursive articulations and practices, by tracing the work of institutional actors through the different stages along the chain of vulnerability assessment. When I started my research, I was aware of the basic functionality of the notion of vulnerability as conferring a positive obligation on the state to respect the human rights of those undergoing the asylum process, but in this chapter, I argue that vulnerability in the hotspot has taken on an entirely new meaning and different function. The fundamental basis of vulnerability ascription as either being vulnerable or not for the purpose of the asylum process is disputed as individuals are assigned variegated degrees of vulnerability based exclusively on medical criteria. This allows authorities to categorise individuals according to the severity of their medical condition as deserving or undeserving of procedural guarantees and reception (hospitality) services. This idealistic notion is somehow twisted in the context of the hotspot. In thinking through the power of ascription, I am inspired by Latour's (1987) ideas on the social construction of science. According to Latour, scientific facts are constructed following a complex process whereby through a network of individuals and institutions with often competing aims, using technical language. I understand vulnerability ascriptions based on medical conditions to be grounded on such processes.

Implicit in my research focus on vulnerability ascription is how migrants during this period are governed in humanitarian terms at hotspots during the period following the EU-Turkey Agreement. My key research questions for this chapter are: Who decides how to assess vulnerability? Does the value of this ascription remain unchangeable over time? How do

refugees' carers, legal representatives, police custodians and immigration caseworkers influence the operationalisation of vulnerability and its development as a bureaucratic practice? The complexity of bureaucratic practices and interlocking procedures, in a context in which hierarchies are difficult to establish, made the task of documenting the operationalisation of vulnerability all the more challenging, but *Figure 7* aims to guide the reader through the main steps of the vulnerability assessment process as it will be discussed in this chapter from the perspective of institutional ethnography.

Many of the themes that arose are directly linked to issues of competing sovereignties and unstable hierarchies in this international bureaucracy. Concerns regarding the proper application of law as well as frustrations over obscure, confusing and ever-changing practices, concealment and poor communication reflect the general environment in which immigration law and policies are being conducted. Often these issues were the result of political controversies, professional and personal disputes and ideological differences of people working in the management of refugees since 2015. What I seek to reveal and critique in this chapter are the different interests of state and non-state actors in regard to vulnerability assessments and the asylum process.

The timing of this research was instrumental for capturing the development of a new administrative practice, that of vulnerability assessments, in the making. I began my data collection less than a year following the EU-Turkey Agreement, when the number of those identified as vulnerable was perceived as hindering the implementation of returns. I followed the process until the final vulnerability template was consolidated and when the Agreement appeared to exist on paper but not in practice, which was a few months before the end of my data collection in February 2019. During my fieldwork, I spent time chasing answers to complicated questions, being aware that the highly experimental nature of border controls as practices and processes in relation to vulnerability changed very rapidly.

4.1 **An incongruous bureaucracy**

According to Michel Foucault (2007), governmentality emerged during the late modern period in Western European societies as a set of institutions, mechanisms and calculations which has as its main objective the care and management of its population rather than the individual (anatomo-politics). The appearance of population as a matter of government was

referred to by Foucault as biopolitics. Closely associated to biopolitics is the need of the state to obtain knowledge over its populations – hence the emergence of statistics and demography. With the help of statistics, demographic categories were created as a way of labelling people for the purpose of administrative control. A relationship is forged between territoriality and state power formation. For instance, Hannah (2001) recounts the existence of a geographical framework of territorial units in nineteenth century America as instrumental for the facilitation of the collection of information for carrying out a census. Methods of administration such as rules and procedures as well as systems of classification of populations (according to race, ethnicity, economic characteristics) have been developed, whereas information is being collected about disease, family, mobility, birth and death. Based on this theoretical conceptualisation, scholars have long now considered registration and identification methods in the way officials began transforming illegible practices into legible ones (Scott, 1998), as crucial technologies of administrative ordering, essentially through simplifications. The biopolitical urge to 'know' the population was motivated by the desire to control who belongs and who does not. Hence, following Charlotte Susman (2004), a great deal of the ground-breaking work on statistics was in fact done among colonial populations and is therefore intrinsic to the histories of demographics and colonialism.

Geographical work has studied the territorial and spatial strategies used by states and imperial bureaucracies in managing populations. In his seminal work, Derek Gregory (2004) demonstrates how the colonial encounters of the West with the Middle East feed into the time-space of the present as the war on terror was established through violence and cultural practices that set off Islam as the irredeemable other. By identifying barbarism with specific territories, the brutal interventions in Afghanistan, Iraq and Palestine are a powerful tale of how enmity is constructed, and human bodies become uncountable and unaccounted for. The aftermath of September 11 has only intensified this colonial present. In his words:

> For colonialism's promise of modernity has always been deferred – always skewed by the boundary between "us" and "them" – and although that partition is routinely crossed, even transgressed, the dismal fact is that no colonial anxiety, no colonial guilt has ever erased it all together. If this is the primary meridian of imaginative geography, however, it is no simple geometry. It is, as I have repeatedly insisted a *topology* that also marks the threshold, the space of the exception, whose seams are folded, stretched and torn into new, even more wrenching constellations. Borders are not only lines on maps but spacing dispersed across multiple sites – embassies, airports, detention centres – that radically contort conventional mappings of territory (Gregory, 2004, p. 255).

Through registration, fingerprinting and digital surveillance, logics of exception and humanitarian care and control are embodied in the everyday work of the hotspot, where the partioning between the worthy and the unworthy refugees takes place. This is the context in which vulnerability, premised on data collected through visible bodily characteristics and bodily examinations, becomes a passport that releases the individual from the obligation of relocation to Turkey; as well as the grounds upon which the geographical restriction imposed on all new entries following March 20 is lifted. Hannah's (2008) work on censuses as geospatial technologies for establishing territorially based administrative control over people continues with his fascinating publication about the 1987 German census boycott movement. In this case, Hannah deploys Foucault's conceptualisation that race-war discourses marked nineteenth century European societies in relation to creating internal divisions among societies, which "on the one hand, clearly separate the normal from the threatening, but on the other hand, blur biological, ethnic, economic and political categories in stigmatizing the internal 'enemy.'"(Hannah, 2008, p.304). Recent examples of the effects of such discourses have morphed into exercises of profiling individuals as result of lack of direct knowledge about them based only on some characteristics. In post 9/11 US for instance, the crucial racial referent is Islam. Conversely, in the case of the Germans boycotting the census, the successful attempts of individuals not to be included in the census meant that they were not counted, but being no less consequential to their social stigmatisation, following the "technological construction of the 'underscrutinised' as a new racial category" (2008, p. 307). As he explains:

> (…) the general problem is one of the stigmatizations and unequal treatment of those individuals who for whatever reason are noticeably absent from, or 'under-represented' in, security databases. Over the longer haul, the amount of information held on individuals will explode, and the processing power that can be brought to bear on these ever-vaster databases will likewise grow by leaps and bounds. One effect of this explosion will be an increase in the ease with which *differences in the amount of information held on different people can itself become an important piece of information about them* (Hannah, 2008, pp.311-2).

While bureaucratic efforts to control movement have intensified in late modernity, the process of the EU communitarisation has rendered mobility control into a supranational effort. What emerges is a decentralised, complex and constantly evolving entity imbued with multiple rationalities, managers and "processes of abstraction to identify the ideal migrant" (Feldman 2011:14). The hotspot approach, as a slice of this complex administrative apparatus, fundamentally reflects this decentralised, international bureaucracy. Vulnerability assessments

form part of an array of administrative techniques and practices orientated towards the control of immigration and borders. Like registration documents and biometric databases, vulnerability templates collect information centred on the body of the migrant, pathologizing newcomers through a combination of power/knowledge technologies. In this way, asylum seekers come to encounter the state not only through their international protection applicant cards but also through health certificates. Their vulnerability becomes attached to these documents and shadows their everyday experiences within the asylum and reception system.

Already at the end of chapter three I have made references to the ways in which the hotspot as territorial system of control relies on administrative techniques of partition according to nationality and statistical probability. Physically, the hotspot camp implies a particular spatial ordering. It is neither open nor closed but in between (Kalir & Rozakou, 2016). Much like the camps of Northern Kenya in Jennifer Hyndman's (2000) account, Moria camp is organised to meet the needs of its administrators and less so the needs of refugees. From the south entrance one can discern the organised administration area (*Figure 4*). Those waiting for registration are crammed in large tents known as Rub Halls, subdivided in multiple square units with bunk beds. They are obliged to stay there until registration is completed no matter how many days or months this could take.

Figure 4: Moria site, Lesbos, February 2016. Source: UNHCR. Retrieved from https://data2.unhcr.org/en/documents/download/46995. Copyrights 2016 by Ministry of Interior and Administrative Reconstruction.

The rest of the sprawling infrastructure of the estate includes six zones divided into sections A and B where migrants are grouped according to ethnicity and sometimes gender. Others are transferred to the pre-removal area, awaiting deportation. An open doors policy applies to zones designated as accommodation areas while in others freedom of movement is restricted. Refugees'/asylum seekers' life in the camp and the exploration of vulnerability by the

authorities take place alongside a number of bureaucratic practices related to the identification, registration, asylum and border procedures. These are often met with changes, delays and cancellations, which impact individuals' chances to be granted international protection, and often also on their health and well-being.

Most of us view bureaucratic power as nonsensical. Growing up in Greece, I cannot count the times that I have found myself countering idiotic bureaucratic arguments about why certain things had to happen in a certain yet impossible way. But while the harm inflicted on me was relatively small, bureaucracies cause irredeemable damage to parts of our society. Akil Gupta's Red Tape (2012) is a remarkable tale of how the structural violence embedded in India's post-colonial state perpetuates poverty through arbitrariness. Everyday bureaucratic practices such as writing, filing and registering, but also corruption and neoliberal governmentality result in a depoliticised social suffering. In the case of the hotspot, the threat of violence, physically or symbolically, is real. The business of the hotspot bureaucracy is to register and classify migrants using methods of coercion such as the restriction of their freedom of movement. For a short period of time before the enforcement of the EU-Turkey Agreement, practices of non-recording those who transited through the island contributed to the image of a chaotic, contradictory and irregular hotspot bureaucracy (Rozakou, 2017). While long-term systemic problems within the Greek Asylum process had already resulted in "the institutional production of vulnerability of asylum seekers in Greece" (Peroni & Timmer, 2013 p.1069), the hotspot bureaucracy has amplified this effect through the implementation of procedures which ironically aim to address vulnerability.

4.2 **A brief history of the reception system in Moria**

Before becoming a hotspot, Moria was known as one of the five First Reception Centres (FRCs) set up in the Aegean border islands progressively in the period between 2011 and 2013. The term 'first reception' in asylum policy lingo— and in Greek *ipodohi, which means welcoming a guest or stranger*—, denotes a series of bureaucratic procedures targeting the displaced upon arrival at border areas and which are the domain of the Hellenic Police. Procedures are designed to facilitate border controls: these relate to screening, registration and identification of migrants, running of police and biometrical data checks and lastly, providing a minimum of accommodation and health checks when needed. Meanwhile, the period which migrants will spend in these centres is envisaged to be very short.

The reception system is discussed in policy documents, including the EU' 2013/33 Reception Condition Directive, which lays out the minimum reception standards for applicants of international protection with a remarkable number of references to words that connote hospitality. Similarly, policy documents that describe reception procedures emphasize the states' obligation to provide adequate material conditions for new arrivals. In reality, the actual space for engaging in such practices is extremely limited. The extent to which *ipodohi* or welcoming materialised in these centres becomes the central point of contestation among border workers: those affiliated to the state will typically describe their work as involving a duty to welcome the stranger while ensuring the security of citizens, while non-state actors will call on the authorities to show respect for human rights and basic humanitarian standards. Throughout my fieldwork, my respondents emphasised the legal and institutional structure that underpins the functioning of the current reception system, and where vulnerability assessments invite the expression of this contestation to develop.

Figure 5: Moria RIC Registration waiting area in September 2017 (source: author)

With the heightened arrival of refugees in 2015, the reception system transformed into the centrepiece of both Greek and European policy. International humanitarian actors funded by the EU emergency scheme set up an extensive service provision system to meet the humanitarian needs of refugees[25]. While the land corridor from Greece to the Balkan countries remained open, the majority of those arriving in Lesbos would undergo a basic registration procedure (nationality and fingerprinting) and be allowed transit. Since October 2015, the operation of the FRC in Lesbos has fallen under the EC's new management framework, the hotspot approach. Formally L4375/2016 rebrands FRCs into Registration and Identification Centres (RIC) and provides the national legal framework for operations. Characteristically, it removes reception from the title and so underscores the policing character of the new international institutional structure[26]. Last, but not least, it provides the legal grounds for the completion of the asylum procedures in RICs[27] and ties international protection closer to the aim of border enforcement.

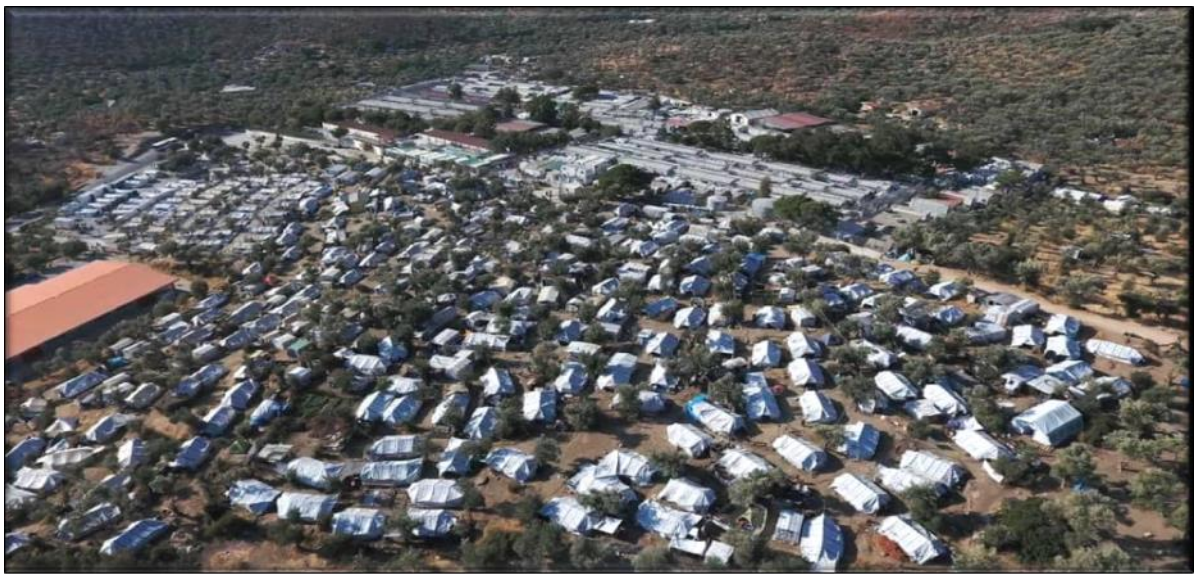


Figure 6: Moria, Lesbos / Greece - September 04, 2019: Aerial view of Moria refugee camp. Retrieved by https://www.shutterstock.com/g/dimitris_tosidis. With permission from the photographer.

[25] In order to meet the unprecedented demand, FRS operated mobile fingerprinting units and used the municipal site of Kara Tepe, a few kilometers north also for fingerprinting and reception services.

[26] In 2017, the government issued a Presidential Decree No 122/2017, detailing the organisation and operation of RICs, also referred to as SOPs.

[27] The Regional Asylum Service began operating in Moria on 13th of October 2015 CHECK APA DATE FORMAT. In previous years, those seeking asylum were only able to do so after travelling to Athens, to the central asylum unit. Currently the Asylum Service operates twenty-four regional asylum centres and asylum units.

4.3 **The new administration**

Working to materialise the hotspot approach since October 2015, besides RICs' own staff, member states seconded personnel representing the European Asylum Support Office (EASO)[28], the Regional Asylum Service, EUROPOL and Frontex as well appointed staff from the EC with coordinating functions[29]. Different actors are responsible for different phases of the same legal procedure, contributing to the perception of EU bureaucracy as a confusing labyrinth of institutions, agencies and non-governmental actors. The co-existence of actors with divergent aims and interests within the migration regime has been highlighted by the growing literature on the migration industry (Andersson, 2014; Cranston et al., 2017; Hernandez-Leon, 2013). Scholars in this strand of literature have raised concerns about the blurring lines of accountability and responsibility particularly as private actors seek to gain access at every step of the migration process (Gameltof-Hansen & Sørensen, 2013). Elsewhere, Andersson (2016) has argued that emergency invocations at borders tend to initiate security responses that in turn make the industry grow further: "it constantly reproduces its object of intervention in ever more distressing forms, which in turn leads to its reinforcement" (2016, p.1067). These concerns are reflected in my findings. Respondents frequently addressed larger issues of responsibility and accountability in relation to the implementation of procedures as well as everyday practices within the hotspot by state and non-state actors. However, as I will show, many of these accountability issues and growth in interventions are not only a result of more security but also of the need for 'better knowing' the population which is administered through the hotspot. Below I discuss a compilation of responses from local officials about how they describe Moria post EU-Turkey Agreement:

> Let me put this way, before becoming a hotspot, we were struggling with very basic things like ink and paper for the printers, not to mention personnel. Technologically, we have a lot more resources at hand. The ambience is different. We now work with

[28] After the EU-Turkey Statement in March 2016 and the subsequent amendment to the Greek asylum legislation with the introduction of Law 4375/2016, EASO became responsible for conducting admissibility interviews in application of the 'safe third country' concept, recommending decisions and conducting vulnerability assessments.

[29] Following pre-existing mapping exercises, by the summer of 2018 there were ten NGOs and volunteer organisations operating small scale activities inside Moria, alongside EASO, EUROPOL, EUROJUST, FRONTEX, UNHCR, KEELPNO and IOM. Those entities are engaged in a variety of tasks, including food distribution, health care, camp security and transport. An additional six NGOs, both national and international, with offices in the city of Mytilene, operate activities in Moria: Metadrasi, the only actor that offers interpretation services; the Danish Refugee Council offering protection monitoring and legal aid; Art Bridges and Connect by Music provide music and art workshops; MSF and ERCI run a paediatric service and a medical clinic respectively.

> colleagues from all over Europe, there are tensions, but we find ways to balance those mostly (Interview, male, Lesbos July 2018).

Not only has the working environment in Moria become more internationalised, but also more funds have been thrown in to address some of the long-term shortages faced by the Greek bureaucracy since the country's financial crisis. In the meantime, differences in working cultures and problems with respecting existing lines of authority were exacerbated particularly during periods of heightened arrivals and as tensions grew in view of the non-implementation of the Agreement. In my discussion with UNHCR, another set of challenges were highlighted:

> Did you know that there are 83 nationalities currently in Moria? Not to speak of interpretation needs that cannot be met. In most refugee camps in the world registration concerns no more than a handful of nationalities. The challenges we are facing now are of proportions we never imagined. For humanitarian workers conditions have changed dramatically, the activities we run are not coordinated centrally. As you probably know many actors left Moria in protest of the EU-Turkey statement (Interview, female, Lesbos, June 2018).

My respondent spoke of the practical challenges concerning interpretation as well as those related to the diminishing influence and role of humanitarian organisations at the level of planning and coordination. While previously humanitarian actors were able to use their international experience of dealing with emergencies in order to organise migrants' transit from Lesbos onto the Greek mainland, the current focus on registration and geographical restriction has meant that refugee management has become more of a policing matter. Meanwhile, the increasing need to manage a growing number of newcomers has resulted in some unlikely alliances, which added to the impression of an organised chaos and lack of accountability:

> Who runs Moria? How is it possible, that in an EU country, an official state-run facility for migrants has to be co-managed by international volunteers? How is it possible that the medical night shift is run by volunteer doctors from all over the world? Why is that you have 18-year-old American kids who man the gates of Moria and of the protected section? It is, above all, a matter of dignity, that you have to beg for a bar soap from an 18-year-old. With all respect to them, I think asylum seekers would feel a lot better if he was a European or a Greek civil servant. They would feel that someone is responsible, someone cares for them" (Interview, female, Lesbos June 2018).

This selection of interview quotes provides a glimpse of the profound transformation in the scope of activities and official roles now shared between state functionaries and non-state and international actors within Moria. Besides those entities that offer formal services in the camp,

lawyers and medical doctors form part of the patchwork of individuals and services affiliated with the implementation of asylum and vulnerability procedures in Moria. The new administration supporting the hotspot and implementation of the EU-Turkey agreement suggests the functioning of a network of individuals, street level bureaucrats, humanitarians and lawyers, who perform the hotspot either as opponents or adversaries, under conditions of heightened repression and lack of freedom. And yet, as Kalir and Wissink (2016) have noted in the study of Dutch deportation practices, the increasing prevalence of non-state actors within the migration regime makes it difficult to distinguish between supportive and antagonistic agents. The professional and personal encounters within and outside the semi-carceral space of Moria is key to my understanding of the complex borderwork that takes shape in this period. Far from being ideologically aligned, they hold different positions regarding the question of vulnerability and its operationalisation. While for some, vulnerability provides the criteria upon which the EU-Turkey statement came to be practically implemented, for others this understanding is incommensurable with the meaning of vulnerability as a measure of protection for those who are already in a vulnerable position due to their identity but require the state to take further steps to guarantee their rights during the asylum process:

> RICs are the service which is by Law 4375/2016 responsible for the assessment of vulnerability. In relation to the procedures, there are substantial differences between border procedures and procedures on the mainland which constitute a state of exception at borders. Specifically, there are differences both in relation to the management of the vulnerable and the assessment of their vulnerability and to the practical and procedural consideration and care afforded to them following the assessment (Interview, female, Lesbos July 2018).

As I would discover later, the common perception that the operationalisation of vulnerability on Lesbos constitutes a state of exception is supported by a strong conviction among legal and humanitarian actors that law is practised arbitrarily by immigration case workers, those with decision making power. This perception must be read in conjunction with what I discussed in the previous chapter, specifically that asylum border procedures in the Northern Aegean islands represent an exceptional legal regime due to the much lower standards and sharp differences in the way asylum procedures are implemented. Agamben's ideas of exception have been often cited in geographical studies concerning the fragmentation of sovereign space shaped largely by global phenomena such as economic neoliberalism (Sparke, 2005; Walker, 2010) as well as profoundly impactful events for instance 9/11, but with historical nuances

(both Derek Gregory's *The Colonial Present* (2004) and Stuart Elden's *Terror and Territory* (2009) are examples of remarkable achievements in this regard). The ability of authorities to create new types of jurisdiction and subject certain individuals within it has been eloquently captured by Mailet e.al., in their 2018 study of the extension of administrative power through sovereign jurisdiction in spaces where migrants are made to wait.

> These distinct regimes operate through isolation and remoteness, where states mediate jurisdiction and legal protection by virtue of geography. The net result of this alternative legal inclusion, then, is to exclude migrants and asylum seekers from regular legal processes, thereby changing their legal status. These populations become subjected to alternate legal geographies that are distinct from territory, yet closely related to it (2018, p 143).

How are these alternate legal geographies linked to territory? As my respondent's quote suggests, there is a double controversy at play. Not only are border procedures on islands exceptional but their implementation in relation to vulnerability is ridden with irregularities. At the same time, the existence of dissenting voices within this international administration point to a non-unified space of enforcement and sovereign rule. In short, while procedural irregularities were a constant nightmare for lawyers in Moria, there remained a space for counter activities and criticism tolerated by the authorities. As Vradis (2019) argues, not all exceptional spaces are created top-down and there are examples in modern Greek history where certain urban places with strong identities function based on a spatial contract between citizens and the state, allowing the dominance of the latter in the remaining territory.

It is my understanding that vulnerability assessments were intended during this period as temporary sovereign acts, in view of the absence of any established process to operationalise the concept of the 'safe third country' in practice. They allowed for a simple calculation: this many can be sent to the mainland and the rest may go through the admissibility process in view of their return to Turkey. Not because there were set quotas on how many should remain or return but rather there needed to be an acceptable balance between the two in order for the Agreement to appear as successful while the EU would still maintain its image as a safe space for those with legitimate claim to international protection. This procedural exceptionality at borders shows how remarkably adaptive sovereign power is in its capacity to strategically intervene, through the mundane and everyday practices of those who embody it, in order to in/exclude. It also shows that far from being unchallenged these vulnerability assessments have become a platform upon which contestation and counter acts were built upon.

4.4 **Vulnerability Assessment Chain**

As I began unwrapping the tangle of vulnerability assessments, I turned first to the question how the states' legal obligation to identify vulnerability is reflected in the way procedures are organised under the hotspot approach. In this semi-carceral environment, migrants are channelled through the complex bureaucratic procedures of registration, nationality screening, admissibility and asylum on which authorities rely for their efforts to govern mobility. Vulnerability identification is anchored in these procedures. Information about individuals with vulnerabilities gets lost amidst piles of paperwork and inadequate software systems. In this section I sketch out the procedural landscape of the hotspot, with the information I gathered through interviews and official documents.

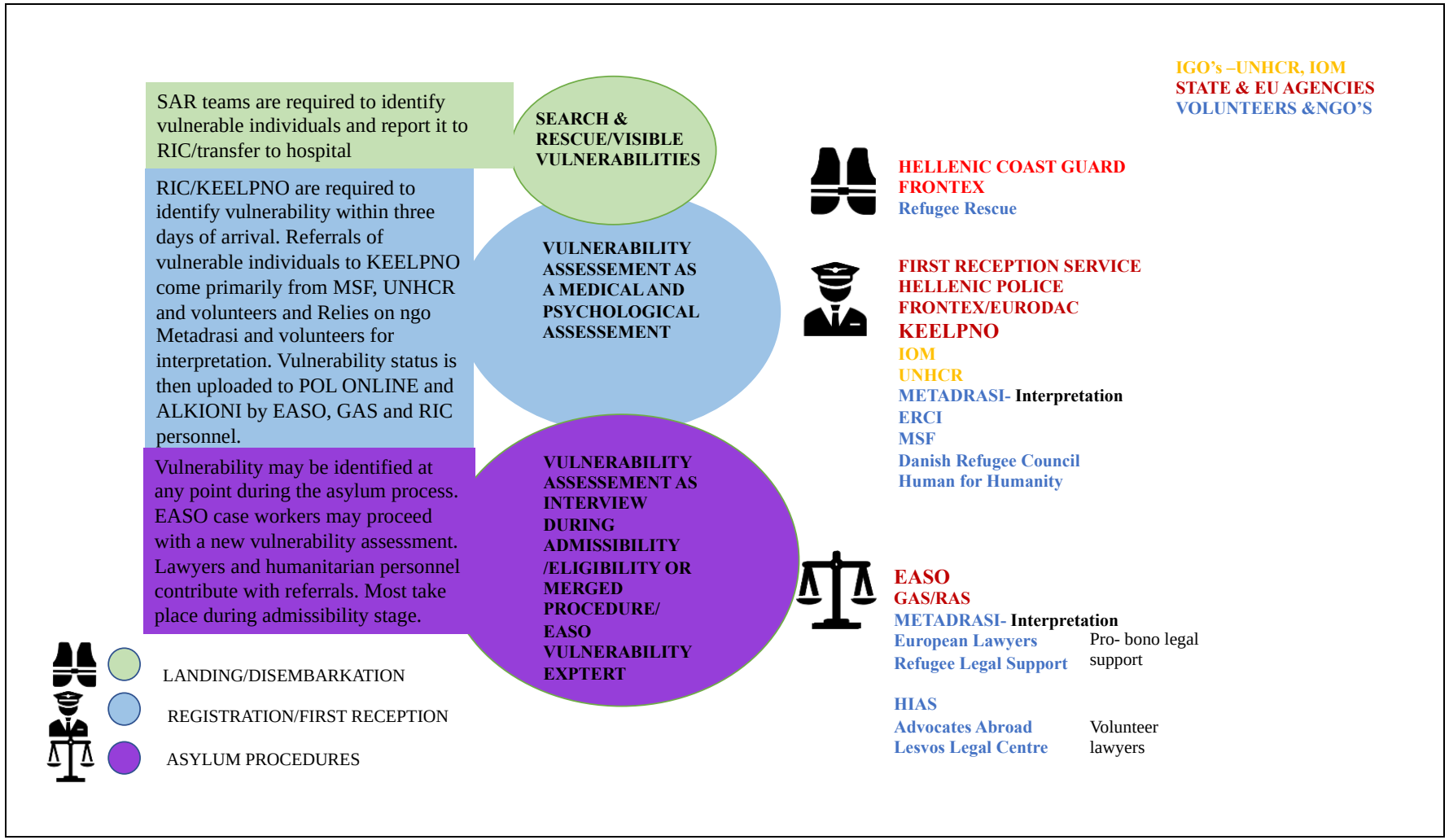


Figure 7: Vulnerability assessment chain in Moria, Lesbos, as of 2018. Source: Author's design.

4.4.1 Landing/disembarkation

L4375/2016 adopts a notion of vulnerability that is dynamic, in the sense that certain vulnerabilities have the potential to transform over time. It was therefore explained to me that the obligation to identify and consider vulnerabilities spans across the spectrum of the procedures, from the moment migrants are intercepted at sea until the end of the asylum procedure (*Figure 7*). In an interview at the Coast Guard operational centre in Mytilene in the summer of 2017, I enquired about the extent to which the new legislation had generated new practices, such as an active search for vulnerable persons in relation to their operations:

> If we see a pregnant woman, someone panicking, or similarly, if we find a boat in a serious distress and there are victims or serious injuries on board, we will make that known to officials in RIC. The problem we sometimes encounter is that there is no doctor or social worker available at the time. Our duty is to transfer them to Moria and from there the police and RIC authorities take over. Those who land late at night on the Northern beaches we deliver them to the UNHCR camp and they do that transfer in the morning. We are sometimes asked to provide details in relation to tragedies and shipwrecks and this is happening more frequently in the context of the implementation of the agreement (Interview, male, Lesbos, June 2018).

I deducted from this response and corroborated later with other informants that there are in fact no conversations or questions that may detect vulnerability, but rather the coast guard hands over the responsibility to their colleagues in the hotspot. The bulk of their efforts are directed at containing refugee boats onto the Turkish waters. As my respondent explained, there is an understanding from both sides that boats should be intercepted before reaching the Greek side. Critically reflecting the ambivalent nature of search and rescue operations at a time of the implementation of the readmission agreement, I noted the reluctance of my respondent to consider the effects of deterrence operations in relation to the mental and physical health of persons on board these boats and their approach to vulnerability based on deeply gendered assumptions about ability to cope during adversity. Another informant, a man who had worked inside the RIC's medical unit for nearly a year confirmed that only in rare occasions did they receive referrals from the coast guard or FRONTEX and that has been almost exclusively pregnant women or migrants with visible injuries. He emphasised the importance of time in the detection of vulnerabilities: "Put simply, if vulnerability remained untraced during disembarkation, reception and identification, then the likelihood that they will not be identified at all increases exponentially" (Interview, male, Lesbos, May 2018).

In turn, timely detection requires that authorities have special procedures in place, such as psychological support and medical care as well as the human resources to identify persons that fall under the categories provided[30]. This was hardly the case in Moria, where shortages in both personnel and infrastructure were no secret to anyone involved with the refugee question on the island. Upon arrival, as the RIC officer I interviewed explained, newcomers are placed in the registration area. Following an interview carried out by FRONTEX, which aims to establish and cross check the migrant's nationality, they are then escorted to a container of the Hellenic police. My informants spoke of marked deterioration of conditions in the camp and of the registration area as a space were vulnerabilities are generated and less as one where vulnerabilities can be timely detected.

4.4.2 Registration procedure

The process of registration includes a health check from a dedicated team of professionals in RIC. In theory, vulnerabilities should be identified during the medical screening. "The aim of medical screening, following RIC personnel, "is for the authorities to gain a general awareness of the potential health needs of the individual and possible health risks for the community. Most of the vulnerabilities described in L4375/2016 are visible and will be registered at this point" (Interview, female, Skype, January 2019). This, I soon discovered, was a widely held view within and outside the hotspot which was, however, strongly contested by most legal aid actors and medical humanitarian staff previously employed in RIC. As my informant explained:

> According to law, we are required to identify vulnerabilities within three days. This is practically impossible. We only find out that minors are here unaccompanied days later, not to speak of post-traumatic stress disorder (PTSD). It is impossible to identify trauma in such a short timeframe. Another major concern is the age assessment for unaccompanied minors. This includes a dental examination which takes place at the Mytilene hospital. At times, there are no dentists available or no one to escort the minor at the hospital and waiting times can be long; so, they rely on psychosocial assessment only. In practice, most undergo a quick medical screening where only very visible vulnerabilities such as pregnancies or visible mental disorders can be found- there is hardly ever interpretation in place (Interview, male, Lesbos, May 2018).

[30] I am aware from my professional involvement in the Greek asylum system that issues concerning the treatment of vulnerable groups have occupied police and immigration authorities for many years. Both police and the Greek Coast Guard have received training on the treatment of vulnerable groups with regards to their handling during detention and transportation. Representatives from the UNHCR have been delivering training to Hellenic Police staff regularly.

Until the late summer of 2017, medical screening was recorded in a form known as the medical card and included a special section on vulnerability, indicated by a simple YES or NO. Following my respondents, the level of anxiety regarding the decision to designate vulnerability was so high that for a short period it was the Director of the RIC himself designating vulnerabilities. Asylum seekers were obliged to carry the document with them and could present it later on during the asylum process. Information from the medical screening would then be uploaded on POL-online, the central database, however, it was kept in a section not accessible by asylum caseworkers from EASO or the GAS. In short, neither the asylum service nor EASO would be able to verify that a medical screening had taken place, or that a vulnerability had been registered, unless a written request had been sent to RIC. As a result, "it is not unusual that an individual with a registered vulnerability will appear for an admissibility interview, from which they should be exempt in the first place'' (Interview, female, Lesbos, May 2018).

The last quote speaks to a larger, overarching concern with the systemic problems that underwire the operationalisation of vulnerability in Moria and it specifically relates to the way in which the practical cooperation between the different authorities present in the hotspot is regulated: "Let's assume that there is a medical team in place and that a person walks away with a medical card stating his or her vulnerability. From then on, it is down to sheer luck whether that information reaches the regional asylum service" (Interview, male, Lesbos, June 2018). As my informants explained, the working relationship among all these different professionals has not been without problems, as there exist different professional cultures and ways of doing things. In other words, practices that make migrants knowable often stumble in the maze of administrative complexities. Addressing lines of responsibility is generally problematic in bureaucracies and all the more within the impromptu international administration of the hotspot. As Eule et al. (2017) rightly argue, responsibility avoidance and anonymity are endemic aspects of immigration as it is of any state bureaucracy, because it is understood as a means of preserving the integrity and impartiality of bureaucratic procedures. The result is a "Kafkaesque labyrinth of decision-making where mistakes can never be attributed to any one individual—as nobody is 'powerful enough' to be held accountable" (Eule et al., 2017, p.201).

Given that the RIC is under the jurisdiction of the Hellenic Police, instructions about the implementation of overlapping procedures are drafted at the level of the Ministry of Citizen Protection, and information trickles down in the form of police circulars. The police circular

of 18.06.2016 is one such document. Released a month after the announcement of the EU-Turkey agreement and the subsequent readmission agreement between Greece and Turkey, it aims at making the requirements for the new procedures 'legible' to staff and authorities at the hotspot. However, there have been nearly no efforts to modernise the bureaucracy and therefore all communication between the police and asylum service takes the form of written requests, which are physically passed on from individual to individual. As the quote from my respondent confirms, when paperwork gets lost, it is nearly impossible to hold anyone accountable. In addition, the police circular makes reference to the treatment of vulnerable groups. Specifically, in instructing the police to serve all new arrivals with a deportation order on grounds of their readmission to Turkey, it elaborates that the removal decision may be recalled if individuals are found to belong to a vulnerable category. As vulnerable groups it references "pregnant women, single parent families and unaccompanied minors", while there is no mention of the remaining vulnerability categories inscribed in L4375/2016. Already the circular encourages an interpretation of vulnerability which is gendered and much narrower in scope, directly undermining the original purpose of vulnerability (which is to provide all vulnerable with special procedural guarantees) and interfering in its assessment.

4.4.3 Waiting

The long waiting periods in squalid living conditions of Moria camp, as well as the experience of detention and deprivation from basic material necessities came with an acknowledgement, even among hotspot staff and local authorities, that vulnerabilities are in fact possibly born and certainly exacerbated in Moria. Speaking to a RIC employee in June 2017, I was served with the following estimation. "For those who will arrive this week for instance, they will receive an appointment for a health check in two months". The timing of health checks as well as the application of correct procedural routines were emphasised in interviews with legal aid professionals. Given the crucial role that vulnerability holds in relation to exempting individuals from admissibility procedures and lifting the geographical restriction, untimely identification and inappropriate classification could result in illegal removals and detention.

> It is very likely, due to the delays and malpractice we witness in RIC, that someone will present themselves to their asylum interview, at the admissibility stage most likely, without having their vulnerability assessed. For Syrians, this means a certain rejection. Another consequence of not being assessed on time is that people may end up in detention and losing priority access to housing, or their vulnerabilities will be exacerbated. Those who end up in the pre removal area they will go to the asylum interview without having had a proper medical evaluation from the registration unit. It

> means they have no paper to prove their vulnerability and they will have not met with a lawyer to explain its importance in the asylum process, or with the interpreter to explain the decision (Interview, female, Skype, October 2018).

As this interview quote shows, migrants are exposed to Kafkaesque style bureaucracy whereby decisions on removal may be served without having gone through the previous steps or given the reason for their removal in a language they understand. Lawyers and legal aid teams complained about the hours spent chasing documentation, incorrect name entries and missing information, making the waiting time feel even slower. If the promise of bureaucracy is the predictability of organisational routines, some of those felt particularly cumbersome and counterproductive in relation to operationalising vulnerability. In general, access to Moria for lawyers entailed an awful lot of red tape. Then there were more subtle issues of hierarchy and what was often described to me as a general culture of secrecy that underwrites police operations. Sometimes requests for health cards were simply ignored. Since there is no guarantee that a vulnerability check has preceded the initiation of an admissibility procedure, some legal representatives would request for a postponement of the asylum process until a vulnerability assessment has been completed. This in turn created the risk of prolonging the time spent in Moria.

A further dimension to the operationalisation of vulnerability relates to the way vulnerability ascription played in discourses about decongesting Moria. The promise of evacuating no more than a few hundred vulnerable individuals became the carrot to the stick offered by the central government to the local authorities in order to continue the current enforcement approach. Although this will be discussed in more detail in the next chapter, it is important to reflect on it here as this impacted both on the demand for a clear procedure for vulnerability assessments and on who would eventually be categorised as one. During the second half of 2018, pressure was mounting from NGO's, local and regional authorities for an emergency evacuation of the most vulnerable from Moria to mainland Greece. At the time Moria numbered 9000 occupants out of the 2800 official capacity.

4.4.4 Medical Assessment

In Moria, the Centre for the Prevention of Communicable Diseases (known in Greek with its acronym, *KEELPNO*) had been awarded the contract for medical and socio-psychological services. KEELPNO was put forward by the Greek government as the option which would enable the state to tap into the next cycle of the regular funding mechanism, the Asylum

Migration and Integration Fund (AMIF)[31]. Previously, the role was occupied by the NGO Medicine du Monde (MDM). In interviews with NGO health practitioners, many questioned the appropriateness of KEELPNO in undertaking this role. Informants characterised their primary health plan for emergencies, which KEELPNO runs in the refugee camps of the Greek mainland, as "a complete failure" and as "consisting of irrelevant medical specialisations with total disregard to the need for interpretations" particularly due to the organisation's lack of experience with refugee populations. Many perceived KEELPNO as the right arm of the Ministry of Migration Policy and therefore an equivocal interlocutor. During coordination meetings I attended, KEELPNO's coordinator in Lesbos maintained an authoritative tone, often disregarding established processes. This added to perceptions that KEELPNO's appointment was politically motivated and lacking in legitimacy. As one of my respondents characteristically exclaimed: "I have begun to question the utility of these meetings. His behaviour is sexist, and he clearly has a problem with refugees. He thinks that they are all faking Post Traumatic Stress Disorder (PTSD) to get a vulnerability card. The meetings are a farce" (Interview, female, Lesbos, June 2018).

Adding insult to injury, in June 2017[32], the EC announced measures to define more precisely medical vulnerability in order to avoid what they termed as overidentification. In the same month, MSF published a report condemning plans to restrict the number of those identified as vulnerable and creating the possibility for vulnerable people to go through the admissibility procedure. In addition, the report stated high levels of unreported vulnerability, experiences of violence and high levels of mental health trauma (MSF, 2017). Towards the end of the summer, KEELPNO invited medical and legal actors in Lesbos to engage in a collective exercise of defining vulnerability based on medical criteria. Prior to this initiative there was no systematised medical protocol for assessing vulnerability but rather, as MDM staff

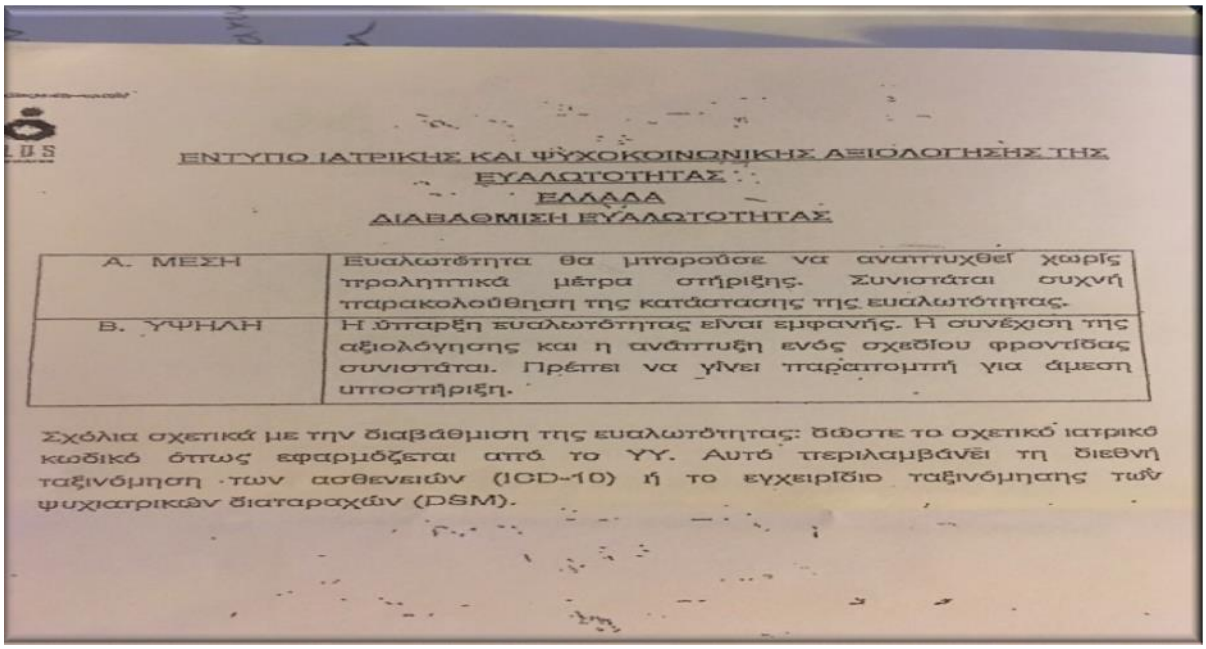
[31]The Asylum, Migration and Integration Fund (AMIF) was set up in 2014 replacing the European Refugee Fund (ERF). Programmes implemented under the fund cover the areas of asylum, integration and returns. EU states can be AMIF recipients, but not NGO's or IGO's.

[32] The EC's report on the implementation of the EU-Turkey Agreement in March 2017 states that EASO and RIC authorities are working together to define vulnerability categories and develop a standard medical template. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_progress_on_the_implementation_of_the_joint_action_plan_en.pdf. Last accessed 15/06/2020.This should be read in conjunction with allegations made by Human Rights Watch regarding unduly pressure posed by the EC representatives in Greece onto the Greek Asylum service to lessen the number of those identified as vulnerable. The full press release can be found at https://www.hrw.org/news/2017/06/01/eu/greece-pressure-minimize-numbers-migrants-identified-vulnerable. Last accessed 22/06/2020.

explained, both doctors and social workers were involved in what was described to me as a more relational approach to vulnerability. The consultation process, at which I was not present, was described "as a parody and lacking the spirit and ethos of the collective decision-making processes" established on the island among UN Agencies and humanitarian actors. Several of my respondents' experienced KEELPNO's leadership in the consultation process as overwhelmingly undemocratic. Below I relay two reflections which illustrate the nature of the decision-making process, and how decisions are communicated:

> We were invited to assist them with defining medical vulnerability, however we struggled a lot to come up with something that responded to the definitions given in L4375/2016. The only existing medical definitions found in Greek legislation relate to disability. The drift between us and KEELPNO had been widening as they were addressing refugee health primarily as a concern about the spread of diseases. In successive meetings we urged them to reconsider as medical vulnerability defined by strictly medical criteria would not amount to a sound assessment (…) KEELPNO, following days of negotiations, came up with the A and B system of vulnerability (Interview, male, Lesbos, May 2018).

As the above quote shows, the consultation process failed to get the buy in from the actors who have traditionally engaged with vulnerable groups. Rather than being an inclusive process, KEELPNO's new vulnerability system was seen a sovereign move to define the rules of the game with a clear political mandate to reduce the number of the vulnerable. Information about the resulting vulnerability was not communicated to relevant actors until KEELPNO began handing out the new vulnerability forms.



ΕΝΤΥΠΟ ΙΑΤΡΙΚΗΣ ΚΑΙ ΨΥΧΟΚΟΙΝΩΝΙΚΗΣ ΑΞΙΟΛΟΓΗΣΗΣ ΤΗΣ ΕΥΑΛΩΤΟΤΗΤΑΣ

ΕΛΛΑΔΑ

ΔΙΑΒΑΘΜΙΣΗ ΕΥΑΛΩΤΟΤΗΤΑΣ

Α. ΜΕΣΗ	Ευαλωτότητα θα μπορούσε να αναπτυχθεί χωρίς προληπτικά μέτρα στήριξης. Συνιστάται συχνή παρακολούθηση της κατάστασης της ευαλωτότητας.
Β. ΥΨΗΛΗ	Η ύπαρξη ευαλωτότητας είναι εμφανής. Η συνέχιση της αξιολόγησης και η ανάπτυξη ενός σχεδίου φροντίδας συνιστάται. Πρέπει να γίνει παραπομπή για άμεση υποστήριξη.

Σχόλια σχετικά με την διαβάθμιση της ευαλωτότητας: δώστε το σχετικό ιατρικό κωδικό όπως εφαρμόζεται από το ΥΥ. Αυτό περιλαμβάνει τη διεθνή ταξινόμηση των ασθενειών (ICD-10) ή το εγχειρίδιο ταξινόμησης των ψυχιατρικών διαταραχών (DSM).

Figure 8: KEELPNO medical assessment -vulnerability form A and B. (Source: copy given to the author)

Medical Assessment in Practice

The system introduced by KEELPNO reset the five vulnerability categories (L4375/2016) into a graduating scale of medical importance. In undertaking this task, KEELPNO have followed their own perceptions and transform what Eule et..al., (2017) call law as text to law as practice. While the authors stress the importance of the role of discretionary power held by immigration law enforcement agents, I draw attention here instead to the way legal texts are negotiated by non-legal actors. Based on a grouping of ICD-10 and DSM codes, two separate international classification systems of medical classification regarding symptoms and possible causes of diseases, KEELPNO splits vulnerability into two levels: high (B) and medium (A) vulnerabilities. The significance of this move should not be understated. Essentially, from what was previously a certain 'yes' or a 'no' (you are vulnerable, or you are not), it has become an ambivalent condition. Moreover, the medical assessment of vulnerability at the registration stage ICD-10 is issued by the World Health Organisation as guidance for diagnoses that member countries can adopt to their national health care systems. Similarly, DSM is published by the American Psychiatric Association for the purpose of adopting a common language and standards for mental disorders. The new vulnerability form presented the following definitions:

Category A or "*medium vulnerability*" category is meant to include vulnerable individuals for which a "*significant vulnerability could develop without preventative support measures*" and for which "*frequent monitoring of vulnerability status is recommended*".
Category B or "*high vulnerability*" category includes vulnerable individuals for which "*significant vulnerability is evident. Follow up assessment and development of a care plan is recommended. Reference should be made to the immediate need of support*"

From a first reading, the new vulnerability form proposes an interpretation of vulnerability that is purely medicalised and quantifiable in its severity. Referring back to *Table 1* in chapter one, this view of vulnerability takes into account its corporeal origins as suffering of the body

(Butler, 2003; Turner, 2006; McKenzie et. al., 2014), albeit in a restricted way, but fails to consider the dimensions of social and structural vulnerability (Quesada et al., 2011) or indeed the place-based dimensions of vulnerability (Cutter et al., 2000; Martin, 2011; Mountz & Hiemstra, 2013). Although the definition of category A 'medium vulnerability' acknowledges that individuals may eventually be moved to category B 'high vulnerability' it does so in a way that recognises only medical reasons for this shift and not social (Watts & Bhole, 1993) nor political (Butler, 2009; Ferasse, 2016; Brown, 2012) dimension of vulnerability as progressive laid out in *Table 1* indicates. Conversations about the policy change in subsequent interviews focused on the restrictions posed by the exclusively medical criteria and the additional powers given to KEELPNO staff to make important decisions despite being seen as unqualified and inexperienced, most of them young graduates.

During my fieldwork, I was keen to understand how health actors evaluated the operationalisation of the medical vulnerability form. Two important insights have come out from my interviews. The first relates to the way in which KEELPNO staff would address the non-visible vulnerabilities. As my informant put it:

> The issue seems to be with people who do not have any kind of physical residuals, same with the victims of sexual violence, there can be physical scars but not always, but just because it is not visible it does not mean you are not a victim (Interview, female, Lesbos, June 2018).

KEELPNO doctors and social workers would therefore be called to decide, alongside the medical examination on whether the stories of individuals, often victims of violence or torture, are true or not and would resort to assigning medium vulnerabilities when they had doubts over the veracity of their claims. The second problem with the assessment method is the omission of the social dimensions of vulnerability as these are shaped by the condition in which they are housed in the hotspot. As another respondent explained:

> The danger with looking at vulnerability through the lens of medical condition is that for example, if a 17 year old with toothache appears for a screening, the KEELPNO social workers are more likely to focus on the toothache, overlooking the social and environmental conditions that affect his life and may render him vulnerable (Interview, male, Athens, January 2019).

As such, the medical assessment, despite being described as scientifically based by its inventors, in reality polarised and de-contextualised vulnerability in an environment that bred

everyday forms of violence and exacerbated existing conditions and vulnerabilities. It helped in restricting even further the legal dimension of vulnerability which I discuss in chapter one.

The release of the new vulnerability form was followed by an immediate decision to refrain from uploading medium vulnerabilities onto the POL-online database. In other words, for the purpose of asylum procedures, a medium vulnerability amounted to no vulnerability since it remained unrecorded. What this meant was that for the first half of 2018, individuals classified with medium vulnerabilities by KEELPNO would not be redirected to the regular procedure but sit in an admissibility interview with EASO instead. Consequently, it became extremely important what vulnerability, A or B, would one be eventually assigned and often equally difficult for such a decision to be overturned.

At the heart of the dispute was the question of the classification of victims of torture, as KEELPNO did not have the appropriate expertise to certify victims of torture. As my respondents explained, KEELPNO would often encourage asylum seekers to seek medical help in private health care and would only accept a psychiatric or other medical assessment from a Greek doctor. In certain cases, MSF were able to assist with certificates for victims of torture that would result in overturning a medium (A) vulnerability. As a respondent from the organisation explained:

> The obvious pitfall of this system is that it excludes vulnerability claims which are not medical or for which a corresponding medical indicator within the international classification system does not exist, such as for victims of torture or sexual exploitation, victims of sexual and gender-based violence to mention the most pressing ones (Interview, female, Lesbos, June 2019).

Unsurprisingly, the move was interpreted by my respondents as serving the purpose of achieving a reduction on the number of those designated vulnerable. Suspicions about a politically motivated interference were fuelled by the fact that no one in the RIC would take responsibility over the decision for not uploading medium vulnerabilities in POL-online. Rumours regarding the decision being taken by the RIC commander were confirmed a few months later during a meeting between KEELPNO and the protection working group. While this ambivalent vulnerability status was there to be politically exploited for the purpose of facilitating returns, during the next stage of the procedures concerns were mounting over the legality of vulnerability's operationalisation.

4.4.5 Asylum Procedures

The next and final step in the vulnerability assessment chain are asylum procedures. As I unravel deeper the entangled procedures of vulnerability, I turn my attention to the moment of encounter between asylum case workers and migrants. A considerable number of individuals (my respondents estimate at least half of them) that could potentially classify as vulnerable under the legal definition but who fall through the cracks of the registration process or get misidentified, end up in the next procedural stage, which is admissibility. The asylum adjudication process, which at the border includes process of admissibility, relies on the examination of a narrative. Asylum interviews at the admissibility and eligibility stage are carried out by EASO[33], who also deploy vulnerability experts. Their task is to conduct vulnerability interviews in order to determine whether an applicant should be considered as vulnerable within the fast track border procedure. Following the issuing of a legal opinion, a decision about whether the individual will go the regular asylum procedure is drafted by the GAS. Until about the end of 2018, these would be drafted in English and not in Greek and there was no opportunity to challenge vulnerability opinions directly. Additionally, respondents spoke of phenomena of repetition, whereby an assessment during the registration stage may have been questioned or omitted due to the inability of EASO personnel to read the decision furnished in Greek, with a new assessment issued as a result at the interview stage.

A fundamental aspect of the individual examination of asylum claims relates to the extent to which narratives about persecutions are perceived to be truthful. It is common for asylum seekers to be treated with suspicion. The same holds for vulnerability interviews, as they are embedded within the admissibility or eligibility assessment. The asylum seeker is often not aware that she is being examined about her vulnerability or indeed the consequences a negative vulnerability examination entails in relation to the next steps of the asylum procedure. Perhaps not surprisingly, many of them would prefer to downplay their own vulnerability:

[33] EASO's operational plan has been amended twice between 2016 and 2017. At the end of 2017, EASO's operations moved to a new facility, a few kilometres west of Moria. By then, EASO's staff had become deeply unpopular with migrants in the camp and aggression against EASO personnel was not uncommon. ECRE reports that in total 9 134 interviews for the implementation of the EU-Turkey Statement conducted by EASO, i.e. roughly 68 % of all interviews conducted in the 5 hotspots in 2017, 274 vulnerability assessments in the framework of admissibility and eligibility procedures and the merged workflow, 645 vulnerability interviews conducted for the implementation of the EU-Turkey Statement. https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/fast-track-border-procedure-eastern-aegean. Last accessed 17/06/2020

> Vulnerability has a few levels. My understanding of how asylum seekers see vulnerability is that it is a weakness that would remove them from the opportunity for asylum - a weak chain link - and that's why many deny their vulnerability. Many minors for example would say they are 19 or someone will say they want to go to Germany because they have cancer and they know that no country would want to take on those costs [therefore would not disclose it in Moria]. This is the understanding of many asylum seekers, that it is a weakness and something to hide. In the asylum procedure vulnerability is something that is meant to be protected, it is the weakness that the [international] community will protect from; from the isolation that you would otherwise experience. There is no opportunity for the understanding of the states' definition of vulnerability to be explained to the asylum seekers before they apply for asylum and lie about their vulnerability since they have their own understanding (Interview, female, Lesbos, May 2018).

In reality a very small number of those who have been arriving in Moria would see a legal advisor prior to an asylum interview; an even smaller number will have access to medical experts that can furnish vulnerability reports or the means to pay private medical professionals. Despite the information received by asylum seekers regarding the asylum process and the importance of vulnerability, migrants have to navigate through complex legal terms and read behind the lines, especially when exposed to opaque styles of interviewing. The very fact that admissibility interviews assess the individual's safety if returned in Turkey and not the substance of one's claim make them inappropriate space for identifying vulnerability. The omit entirely the dimension of vulnerability as place- based and as progressive, in other words politically produced (see *Table 1*). In short, applicants are discouraged to talk about incidents in their country and it is in the discretion of the EASO case worker if they will choose to dig deeper into it or refer a case for further examination. In the context of the readmission agreement, the active decision to interview a person who clearly falls under the law's vulnerability categories proves not only the arbitrary decision-making power of international bureaucrats, but also the widespread assumption that vulnerability is always visible and would be picked up even at this stage. The negation of their vulnerability is therefore pre-determined without being given a substantive consideration. During interviews, respondents raised concerns about EASO's interviewing methods.

> Let us assume you would argue that you are vulnerable. They (EASO) would interrupt the interview without giving a reason, simply saying that you will be informed at a later stage regarding the development of the asylum processes. Our clients would insist that they had not finished supporting their claim. We of course understood perfectly well what was going on and would explain in the end. Other times, when a vulnerability indicator appeared, the EASO case worker would go back and forth between rooms,

> holding a telephone conversation in one and asking further questions to our clients in the room. No one ever saw the vulnerability expert. Along the road they would defy all procedural safeguards. (Interview, female, Skype, October 2018)

Two interrelated aspects should be mentioned here. The first one relates to how the obligation to identify vulnerability reflected within the interviewing script available to case workers. Vulnerability questions arose either because interviewees stated their vulnerability or in relation to the order of questions on EASO's interview transcript. Commonly applicants would be asked "How are you feeling today"? Given the conditions of absolute human degradation that exist in Moria, questions that aimed at assessing the general health and well-being of asylum seekers were perceived by legal advisors as inadequate in covering the range of vulnerabilities prescribed in L4375/2016 and as intended EASO case officers to humiliate asylum seekers rather than seeking to identify their vulnerability. Other questions in the script reinforced the medical dimension of vulnerability. For instance, emphasis was placed on whether the individual is taking any medication, where they got the medication from and request for documents that prove the medical problems these medications are trying to address. These questions aimed at identifying potential physical vulnerabilities, avoiding engaging asylum seekers in conversation about trauma or the violent events may have generated. As such, questions that aimed at assessing vulnerabilities were perceived as vague and irrelevant by legal advisors. As one of my respondents succinctly put it:

> In most cases there would be standardised questions such as "does it hurt anywhere today", or "can you perform your daily tasks?" The individual is vulnerable because they are a torture victim even if it had happened 30 years ago. The law does not prescribe that you should consider whether she cries at nights or suffers persecution syndrome (Interview, female, Lesbos, May 2018).

An additional layer relates to the narration of traumatic narratives as testimonies of vulnerability. These require that the listener is able to show empathy, that there is a genuine exchange and relationality. On the contrary, during the asylum process vulnerability testimonies are considered in relation to pre-given, objective vulnerability indicators. What came out clearly from our conversations and during the inter-agency fora as well as my own interviews with legal experts was that instead of fulfilling their purpose in protecting the special interview needs of individuals, vulnerability assessments during the legal procedures often lead to re-victimisation. The environment were the interviews were held was condemned as inhospitable, such as the fact that individuals were regularly forced to testify in the most inappropriate way about rape in open court. I provide excerpts of two responses:

> If you look at the actual dynamics of the room, the way the room is set up for example, the dynamics of the conversation, the individual applicant is forced to walk into a system of which they have no power, no understanding and no true guard or champion to fight for them. The state has all the power, controls everything and as I say it's their turf. So, this is a very unequal and uneven playfield that they [asylum seekers] have in order to explain a very personal thing" (Interview, female, Skype, September 2018).
> There is hardly any privacy or confidentiality. Other interviews take place across the room with bad quality internal separation or noise insulation. As a result, anyone can hear what's being said. Conditions are inappropriate for someone to express a medical condition needless to mention a trauma relating to violence can be diagnosed in this way (Interview, female, Skype, October 2018).

These observations are tied together with concerns about the undermining of certain dimensions of vulnerability which may not be easily identifiable yet consequential in the application of international protection, so beyond the admissibility stage. My respondents emphasised those categories foreseen by law and which are difficult to identify, such as victims of torture, trafficking or violence, whose identification fulfils an essential role in the process, which is providing evidence regarding prior prosecution. These dimensions of vulnerability can become legally assessible further down the line in the asylum process, should the individual be given the chance to proceed beyond admissibility stage. Depending on the vulnerability category a caseworker will assign and if it amounts to proving prosecution (for instance a torture victim) then it has a major weight in the final decision on the claim procedure. However, ever since vulnerability has become the basis for exempting an individual from the border procedures, instead of a positive obligation of the state towards safeguarding the procedural rights of the asylum seeker, vulnerability becomes yet another hurdle which the asylum seeker and their legal aid advisors are required to overcome. Crucially, the burden of proof (of their vulnerability) shifts to the asylum seeker who strives to convince a caseworker already negatively predisposed towards the veracity of their claim, to be exempt from the procedure.

Meanwhile, the way in which the notion is legally interpreted as a protection measure, requires that a person's vulnerability had existed prior to their arrival in the country where they seek asylum, and this explains why the law instructs for identifying vulnerabilities within three days from arrival. This is an important detail that asylum seekers without access to legal aid have absolutely no way of knowing and it provides an additional explanation why an admissibility interview is not suitable for the examination of vulnerability. Equally, it is particularly difficult to prove the geographical origin of a mental health-related vulnerability

as the current conditions in Moria generate a great deal of individuals who resort to self-harm and exacerbate existing mental health conditions. This may be used against the applicant questions in relation to the living conditions in Moria, such as 'can you perform your daily tasks'? Informants explained that asylum seekers who attend legal clinics were advised to not dwell a great deal on the severity of life in Moria as a vulnerability must have been born prior to their arrival at the hotspot. Oftentimes, complains about Moria were used as a means to claim that Turkey is a better option. The transferring of knowledge from legal advisors to asylum seekers becomes key to countering the perceived or real traps set during the interview stage.

> For instance, when we have cases of victims of shipwrecks, it is a very important conversation where the ship went down because if it went down in Turkish waters, then vulnerability would be assigned but not if it had gone down within Greek waters. This is why if the interviewer asks did you get the vulnerability in Greece, tell me about the conditions at the hotspots they want you to say yes, the condition only started here because it is so cold - bingo, you just proved that this is not a vulnerability and sending you back to Turkey will be better. Manipulation is everywhere (Interview, female, Lesbos, May 2018).

The power of manipulation relates to what many of my respondents identified as a deliberate tactic of delegitimating of asylum seekers' narratives, by mixing the order of questions in order to throw off the individual and create the basis for questioning the credibility of their answers. Asylum seekers' narratives are expected to be consistent and any emotional elements, or silence that divert from a fluid and precise storytelling are seen as evidence of illegitimacy:

> For example, questions of dates, times and fact are mixed in with questions of trauma. So for instance: tell me about your parents death, tell me how you escaped from the person who murdered your sister, how did the house look, its layout, you said you were in the kitchen but you escaped through the bathroom, but then you said the bathroom was too small, how were you able to escape the rape, can you describe the rape and how did you get the gun out of the room and how did you get all that out of the bathroom window? And if the lawyer interjects, then they are pulled out in the next room and are blacklisted from entering the interview into the EASO boxes (Interview, female, Lesbos, May 2018).

As my respondents explained, the sheer difficulty in convincing EASO case workers about an existing vulnerability has led several legal aid organisations to employ their own medical experts who were able to provide written vulnerability reports, carefully matching the legal language in which vulnerability was presented. When asked about their assessment practices, the EASO spokesperson stressed to me the challenging nature of their work, not least due to the considerably different profile of asylum seekers they receive in Moria in relation to those

who cross Austrian or Dutch borders. As a result, the majority of EASO's case workers are trained in identifying unaccompanied minors or victims of trafficking and may lack the experience in identifying persons of PTSD or victims of torture. In addition to relying on external expertise, many reflected on the changing nature of their own work as legal practitioners and advisers, in the way they shared additional resources of information and knowledge with asylum seekers. These instances demonstrate how legal advisors themselves were engaged in forms of trading and making law accessible to those who would otherwise be shut out. As an example, at the end of the summer of 2017, an established legal clinic in Lesbos published on their website a twenty-three-page interview script containing the admissibility/ eligibility/ vulnerability questions, along with instructions for understanding the question and structuring a strong answer. As the director of the organisation explained:

> We had to devise a counter strategy, so we looked at the questions themselves. Third question of the interview in all interviews is: are you in good condition to do this interview today? And this is a trap question. Because if you say yes, you just let yourself be stepped over and onto the interview game. But you can turn that question and say: well now, I'm suffering from x,y,z because I endured a,b,c in my country and I am feeling e,f,g so I am doing this interview because I have to. From then on you come back to that until the interviewer is obliged to stop the interview and hand you over to GAS where they will assess your asylum claim (Interview, female, Skype, October 2018).

Respondents expressed the often-disorienting practices in the vulnerability chain stemming from the variations in which the law is interpreted and practiced. In some cases, a misidentified vulnerability could form the grounds for an appeal to be assessed by an appeal committee. Several amendments made to the constitution of the appeals authority following the EU-Turkey statement, saw the involvement of judicial officials in what historically had been constituted as an administrative procedure by the country's Constitution. Concerns regarding the partiality of administrative judges were confirmed by the significant drop in the second instance recognition rate. Administrative judges have had a great deal of discretionary power to determine what constitutes a legitimate narrative about one's persecution and vulnerability[34].

[34] L4339/2016 introduced the Independent Appeals Committees. These committees are established with the participation of two active Administrative Judges and one member holding a university degree in Law, Political or Social Sciences or Humanities with specialisation and experience the fields of international protection, human rights or international or administrative law.

4.6 **Perspectives on vulnerability assessments**

Uncertain information regarding the implementation of asylum and vulnerability procedures in Moria meant that those tasked with locating vulnerable migrants and by extension the vulnerable themselves would learn about the new developments through word of mouth. This made the operationalisation of vulnerability assessments appear obscure. Legal practitioners would typically find out first, simply because their clients would present them with documents they had not seen before. Less frequently, clarifications would be provided during monthly coordination meetings between RIC and external stakeholders (humanitarian agencies, volunteers and the UN), and information would trickle down to social workers, psychologists and other relevant actors. Overall, there was an overwhelming sense that vulnerability assessments were illegal and lacking basic procedural standards.

The way in which EASO implemented its role in the Greek Asylum process[35], particularly its activities in relation to vulnerability had been widely condemned as amounting to decision making powers not foreseen within Greek asylum law and thus being illegal. L4540/2018 remedied this issue by allowing Greek-speaking EASO personnel to conduct any administrative action necessary for processing asylum applications, including in the regular procedure. Perhaps not surprisingly, the conviction that vulnerability assessments were working against the notion of vulnerability as prescribed in Law 4375/2016 had been overwhelmingly strong among my respondents. To be sure, the involvement of a European agency in the Greek asylum process enhanced perception of lawlessness. As one of the UNHCR protection officers, a lawyer herself, explained at the beginning of our interview, "legal aid professionals are particularly opposed to the management of vulnerability as they see it as going against the law". Another respondent believes that asylum case workers struggle to operationalise vulnerability partly because of lack of knowledge about the law but also due to lack of clear guidelines within the main legal instruments of international protection about how to operationalise it:

[35] The increasing involvement of EASO personnel in vulnerability screening in Greece has been challenged by several NGOs. On 28 April 2017, the European Centre for Constitutional and Human Rights (ECCHR) submitted a complaint to the EU Ombudsman on EASO's involvement in admissibility decisions in Greece. The details of the case cast doubt on the proper conduct of the vulnerability assessment in Greek hotspots. In addition, the NGO HIAS provided an Expert Opinion drawn from the everyday representations of asylum seekers in their asylum procedures. The results are presented in their report: EASO's Operation on the Greek Hotpots: an overlooked consequence of the EU-Turkey Deal. https://www.hias.org/sites/default/files/hias_greece_report_easo.pdf. Last accessed 21/06/2020

> there are no specific guidelines that stem out of the Asylum Procedures Directive or the (Refugee) Convention in relation to how vulnerability should be assessed during the asylum interview. It is our expert opinion that there should be a written opinion and explanation and therefore the process would be clearer (Interview, male, Lesbos, June 2018).

In this example, the current process is questioned because the law is not specific enough as to dictate the exact process of vulnerability identification, leaving bureaucrats in a position of moral and political ambivalence in their attempt to correctly apply the law (Hawkins, 1984). It also raises an interesting question: which is more problematic, the law or its implementation? This finding is in line with the argument by Eule et al. (2017) that there is a great deal of informal knowledge upon which immigration enforcement authorities rely in order "to compensate for often unreadable and mistrusted legal frameworks" (2017, p.112). Indeed, caseworkers are rarely trained immigration lawyers and therefore not equipped to legally interpret the concept of vulnerability. Instead, they rely on bureaucratic frames or other technical knowledge. For instance, EASO case workers relied extensively upon the unpublished vulnerability indicators as well as internal online tools which functioned on the basis of profiling and matching characteristics to particular categories of needs. Following my respondent, a legal professional: "An asylum seeker goes to be examined by an institutional body who does not reveal the criteria upon which they will examine you. That's a priori illegal" (Interview, female, Lesbos, May 2018). In practice, the need for migrants to prove their vulnerability during the interview process misplaces the responsibility of enforcing the law (identification) on the migrants.

Throughout this process, as my respondents would characteristically joke, vulnerability experts remained 'invisible, like God, yet omnipresent'. Legal aid practitioners saw the involvement of vulnerability experts, whose credentials and background were not revealed, as a way for EASO to make their unwarranted involvement in the process appear legal. Similarly, given the fact that the drafting of vulnerability opinions by EASO were not foreseen by Greek Law, many perceived EASO's discretionary power as trespassing national legislation. Given the climate of suspicion against those crossing (not 'real' refugees) and the political stakes involved in the implementation of the EU-Turkey Agreement, a vulnerability interview conducted in this way, with a great degree of informality, without transparency nor scientific basis, was understood as a tool to exclude. Meanwhile, by resisting the arbitrary power of case workers with counter strategies about establishing vulnerability during the interview stage, legal practitioners actively produce alternative forms of legal knowledge,

essential for navigating vulnerability. The way in which legal knowledge is shaped by the practices of case workers and legal practitioners attests to the messiness of migration control practices at the edges of the state. Overall, the degree of arbitrariness and political bias involved in the vulnerability assessment chain in Lesbos was higher than what my respondents had ever experienced before, adding to a perception of the state as illegible and unpredictable (Das, 2004).

It was not long before the A and B medical assessment form introduced by KEELPNO came under scrutiny for its legality. In a policy brief, circulated internally by the UNHCR on the 2nd of March 2018 (ANNEX A), NGO and legal practitioners raised serious concerns over the legality of this system on the grounds that it both "modifies and narrows the existing legal definition of vulnerability provided under article 14(8) of L4375/2016", and particularly in that it "provides protection for vulnerable individuals based on the origin of the vulnerability, and regardless of the level of severity of such vulnerability"(ANNEX A, p. 236). A crucial argument posed in the document relates to the fact that in all other hotspot islands, vulnerability assessments are still formulated as 'yes' or 'no', making Lesbos a place of experimentation and procedural irregularities.

The brief raised many of the issues presented in the previous two sections, including the risk for re-traumatisation as asylum seekers have to recount traumatic events during an admissibility interview with EASO, from which they should have been exempt in the first place. In addition, it underlies the legal vacuum in assigning those designated with a 'medium vulnerability' to be interviewed by EASO case workers. Despite counter arguments posed by KEELPNO that individuals may announce their vulnerability during admissibility, experience so far had shown that it is under the discretion of EASO to consult a vulnerability expert and it is not a standardised practice.

> Hence, the new policy implemented in Lesbos unlawfully bypasses the existing legal safeguards for vulnerable individuals and opens the door to wrong assessments. It will ultimately reduce the number of asylum seekers held vulnerable in application of the law and might lead to return vulnerable individuals to Turkey (ANNEX A, p.237).

As it was subsequently explained to me and noted in the document too, one of the reasons behind the high rates of medium vulnerabilities was precisely the inability of KEELPNO to set a clear threshold between medium and high vulnerabilities, other than the criteria of visibility. This was in part due to limited human resources. At the time KEELPNO's team comprised of seven social workers, one psychologist and zero interpreters. As a result, nearly

half of the categories adopted in L4375[36] remained practically undetectable. Those asylum seekers with pre-existing mental health issues which were gravely exacerbated in Moria were systematically categorised as 'medium vulnerable', unless they expressed suicidal thoughts. In subsequent asylum reforms, PTSD was removed from the list of vulnerability categories, excluding a large number of individuals from the vulnerability framework. For humanitarian actors and legal practitioners, the ambiguity of the A and B classification bore particularly negative consequences to those who suffered previous persecution and violence.

> For instance, they would indicate medium vulnerability when they weren't convinced that an individual's testimony as torture victim is true, or when there was a medical issue as a result of that torture which could potentially become serious but was not serious yet. We are trying to find a solution to this because the law foresees vulnerability and not the splitting of vulnerability between medium and high. The legal value of such a document should have been equal (Interview, female, Lesbos, June 2016).

Arguably, you are either a victim of torture or you are not. Whether a serious medical condition has developed as a result of the torture does not change the fact that torture had occurred. Rather, it indicates the decision not to administer a high vulnerability is motivated by political reasons. One of the effects of poor identification was sharp rise in the number of asylum seekers seeking private health care. Holding a medical certificate from a Greek doctor with a diagnosis of a medical condition provided the opportunity for a re-examination of vulnerability or the automatic annulment of a previous decision. For the few private medical actors in Lesbos, the production of medical certificates has turned into a profitable business. Moreover, given the grossly inadequate number of health care professionals in relation to the growing population in Moria[37], any real possibility for a thorough examination and follow up to determine vulnerability is practically diminished:

> I believe that the purpose of this tool is to screen visible vulnerabilities and a way of saying that the vulnerability screening is working, look, we are actually finding the vulnerable. Ignoring that in the current reality, it is impossible to diagnose vulnerabilities that are not visible (Interview, female, Skype, October 2018).

A final and equally devastating consequence of the A and B medical vulnerability assessment relates to the fact that the vast majority of those arriving on the islands would no longer

[36] The categories I am referring to are: Victim of torture, Victim of sexual exploitation SGBV victim, Persons with PTSD, Wreck survivors, Relatives of wreck victims, THB victim.

[37] In the summer of 2018, respondents estimated that there was less than one KEELPNO worker for every 1500 refugees in Moria.

benefit from the possibility of having their geographical restriction lifted. The majority of vulnerabilities were classified as 'medium', not uploaded on the POL online database, and therefore not consequential to the asylum process. This translated into longer procedures and increased likelihood that their existing vulnerabilities will worsen, resulting in new vulnerability assessment requests and overcrowding in Mora. In some cases, legal practitioners present in asylum interviews were able to turn around a medium vulnerability arguing that such a vulnerability is a proof of the existence of vulnerability indicators. The new system had succeeded in raising the overall number of those identified vulnerable, however the category 'medium vulnerability' remained inconsequential in relation to the application of procedural safeguards or to the granting of special reception conditions. This active 'vulnerabilisation' of asylum seekers in Moria assisted in developing a stereotyped approach of migrants with medical conditions as the ones with real protection needs. In practice, vulnerability assessments were but of little actual relevance to the capacity to respond to the many needs of people lives in Lesbos.

Perspectives on the operationalisation of vulnerability among the dissenting voices presented in this section, primarily those of legal advisors and human rights advocates, put forward arguments grounded partly on a place-based notion of vulnerability without, however, embracing it completely. By the time this policy brief was released in March 2018, the effects of displacement and of the incarceration that resulted from the policy of geographical restriction were felt deeply among the community of asylum seekers and those who assisted them in their everyday life. While advocates insisted on the risks of re-traumatisation and the potential for exacerbating mental health illnesses due to the conditions that persisted in Moria, few made the link between the experience of vulnerability as the embodiment of their legal precarity. Despite not being recognised as a high vulnerability, trauma circulated through its embodiment in the camp, worsen even from the uncertainties that the very process of vulnerability assessments brought about. The identification of medium vulnerabilities, such as trauma, torture and other medical conditions resulting from Morias' living conditions, were carefully disassociated from obligation to provide procedural guarantees. Eventually the recognition of certain place-based vulnerabilities assisted towards a broader vulnerabilisation of the population of Moria without, however, providing a sustained critique to the structural violence that reproduced vulnerabilities in the first place

The presence of medical professionals, asylum case workers, legal aid practitioners and humanitarian workers make up an incongruous bureaucracy at the edges of the state. Their

aims may appear incompatible at first; legal aid practitioners and humanitarian workers apply their legal and protection skills with compassion, countering the more exclusionary aims of asylum case workers and medical professionals, whose objectives are clearly aligned with those of the state. Although contradictory, these form part of the many rationales of the state which make governance in the hotspot happen (Rozakou, 2017): this is a way of understanding the state not as a monolithic structure but as a complex, always emergent and concrete set of practices in the way governing develops. The state's margins, either geographical or metaphorical, meaning the spaces occupied by those who less fit (criminals, young offenders, migrants and others) have served as excellent terrains upon which to theorise the state (Fassin, 2015; Veena Das, 2004).

Following Veena Das, this uncertainty of legal rules is not unnatural but rather should be understood "as part of the many spaces, forms and practices through which the state is continually both experienced and undone through the *illegibility* of its own practices, documents and words" (2004, p.10). Das has developed her theorisations of the state based on her ethnographic work on the riots that followed the assassination of the former Indian Prime Minister Indira Ghandi. For her, the state presents itself in two forms: as a rational entity with rules and regulation and also as magical, discernible in the way it lives through practices at local communities. Inspired by Das, Eule et al., 2017 argued that law within the immigration regime also has a magical effect. In turn, the unreadability of the law has potentially grave consequences, particularly for those who are in legally precarious situations, as their ability to get to know the law is compromised by their position. In their attempt to operationalise the legal categories of vulnerability, medical professionals transform and reinvent them into new categories. Similarly, EASO's case workers invent vulnerability indicators and base their decision-making practices on knowledge they have acquired working within their own national administrations. This makes the operationalisation of vulnerability appear illegible to everyone, from legal practitioners, authorities to migrants themselves. In a remarkably twist, social workers and psychologists were pressed to produce vulnerability reports in a legal language while legal practitioners were in turn requested to produce evidence written in a medical language.

4.7 **Revised Vulnerability Procedures**

In August 2018, nearly seven months after the introduction of the assessment form by KEELPNO and following internal advocacy efforts, the Ministry circulated a minimum standard for a harmonised implementation of the vulnerability template to be implemented across RICs. The document comprised of a revised set of vulnerability categories and a template, including a step by step guideline on how to operationalise this new vulnerability template. This was, respondents argued, the first time they had received a written explanation of what vulnerability meant for the authorities in the context of the procedures on the islands. Accordingly, the revised template foresees three vulnerability categories:

(A) Vulnerable: this rating refers to vulnerable applicants in accordance with article 14 of law 4375/2016.

(B) Non-Vulnerable with special reception needs: this rating refers to non-vulnerable applicants in accordance with article 14 of law 4375/2016 but for whom KEELPNO indicates the need for special reception conditions due to their medical and/or psychosocial situation.

(C) Non-Vulnerable with no special reception needs: this rating refers to non-vulnerable applicants in accordance with article 14 of law 4375/2016 who do not require special reception conditions.

At first sight, the new vulnerability categories corrected the ambiguity which existed in the previous A and B. Category A now stands for vulnerability that is consequential in relation to the asylum procedures at the border and the asylum service, while categories B and C refer to persons who are not deemed vulnerable. In addition, vulnerability B is assigned to those with special reception needs, meaning that they should be followed up by social workers and removed from the camp. Besides the redefinition of categories, the document aims at re-establishing working relationships in relation to the marriage of border and asylum procedures. First, it instructs the asylum service (including EASO) not to interview persons who have not been screened by KEELPNO. Second, it requires that the RIC commander deploys a dedicated vulnerability focal point, a person responsible for the operationalisation of vulnerability in each centre. In turn, all vulnerability templates are required to be signed by the RIC commander. The state comes to be embodied again in the official rank of the RIC commander. Once the form has been signed, it should be uploaded onto the POL ON

database or handed over to the Asylum Service. Last, in case a new diagnosis is provided, this has to be certified by KEELPNO and only then will it count towards the asylum procedure. The document further instructs that information about the meaning of vulnerability ratings must be provided prior to the medical screening and a copy of the decision should be handed over to the asylum seeker.

While the revised procedures appealed to many of my respondents for providing clarity in relation to the threshold that separates a medium and a high vulnerability, many of the problems regarding its identification and practical addressing of the vulnerability categories prescribed in law remained unchanged. Not sooner than October 2018, many KEELPNO employees including their coordinator went on a sustained strike protesting working conditions in Moria. As a result, medical vulnerability assessments practically stopped, leaving legal and NGO practitioners uncertain regarding the implementation of the revised procedures.

> For the past month and a half, they have stopped handing out copies of the vulnerability form to applicants, because they say that there is an issue with their personal safety if someone is not ascribed vulnerability (the staff is scared that the refugees will attack them). Supposedly they would find another solution, they would give an excel at an info point but nothing has happened- I have made a template of a request to access an individual's file and to their vulnerability form and I give this to all refugees and it generally works, but not always. It is of course not clear if the interview will take place before or after the vulnerability assessment, in theory the vulnerability assessment should happen first, but it doesn't, and they tell us that it is not necessary for the medical screening to be completed (Interview, female, Skype, January 2019).

Around December 2018, RIC announced that vulnerability assessments were temporarily taken over by a military doctor and done in coordination with the KEELPNO offices in Athens. During coordination meetings, discussions about practices related to the operationalisation of vulnerability became less frequent. Concern and desperation had taken over NGO practitioners and state functionaries regarding the deteriorating conditions for migrants which in turn made their own working environment nearly unbearable. Everyone felt that the state had abandoned them. One of the employees in RIC burst into tears. "Hell", he said, "is too abstract a way to describe Moria. It is worse than hell. No amount of money can pay for this job" (Interview, female, June 2018)

Meanwhile, there have been changes in the asylum procedures too. As I mentioned, with the new legislation article 28(7) L4540/2018, EASO can assist in emergency situations with Greek speaking personnel at the regular procedure. In Lesbos this meant that all interviews

were now carried out by EASO, with the exception of those who fell under the category of unaccompanied minors and psychiatric cases. Other things have changed too. As my informant explained, the conditions in Moria change all the time and what were once emergency issues may no longer be the most pressing:

> We are not so worried about vulnerability anymore but about the rising number of asylum applicants with criminal convictions. All our energy goes there. Everyone is now vulnerable, if I meet an applicant without vulnerability either from private doctors or KEELPNO I think that there might be something wrong with them" (Interview, female, Skype, January 2019).

Towards the end of 2018 arrivals had begun to pick up again and in practice the EU-Turkey agreement was poorly, if at all enforced. By the end of 2018, less than 1800 people had been returned to Turkey from the Greek islands.

Conclusion

The management of human mobility has driven recent political geographic inquiry into debates about the intra and extraterritorial reach of sovereign jurisdiction. In becoming a separate zone of immigration enforcement, Lesbos is established as a space where sovereign power can be leveraged through introducing additional administrative layers to the asylum procedures. Based on this, I theorised vulnerability assessments as temporary sovereign acts, practised by the international administration of the hotspot in order to facilitate the difficult task of implementing the EU-Turkey Agreement.

Operationalised for the first time at RICs, the frequent change in practices and procedural irregularities added to the overall sense of illegality. In light of the discussion on biopolitics, the choice of KEELPNO, an organisation concerned with the spread of diseases, as health control bureaucracy for refugees must be read as an undeniable example of the logic of preventing contagion to its citizen-subject and pathologising refugees. Institutional ethnographic analysis of the vulnerability procedures as presented in this chapter highlights the messy and obscure ways in which law is implemented: new actors enter the scene to claim authority and expertise, adapting legal vulnerability into medical criteria, living little room for a place-based and relational interpretation of what it means to be vulnerable (Mountz &Hiemstra, 2013; Coddington, 2019) or for tackling the structural and legal violence (Quesada et al, 2011; Abrejo & Menjivar, 2012) behind migrants' and refugees' experiences of vulnerability while in Moria. Doctors get to act the law, not lawyers. Moreover, respondents have been keen to point out that those tasked with identifying

vulnerability rely on ideological and cultural assumptions, and use tactics of narrative manipulation, rather than a stoic application of legislation which allows us to see vulnerability assessments as cultural practices. During the process, vulnerability appears disembodied and non-relational, instead moulds into templates and annexed expert forms. A vulnerability assessment template becomes a cause of celebration or a cause for concern; it can turn into a ticket to avoid admissibility and win you a place into accommodation or it may signal a deportation order.

Vulnerability appears, at least in the pages of a legal document, as a neat set of categories which are however heavily mutated once implemented on the ground. As new categories they lie simultaneously inside and outside the law. Whilst claiming to guarantee the humanitarian treatment of refugees, vulnerability serves the purpose of territorial administration. By rendering vulnerability into a state of exception, the state remains profoundly present. My account of legal vulnerability contributes to our knowledge of how such restrictive interpretations of the notion can become political tools, which work counter to a progressive understanding of vulnerability as politically produced (Butler, 2003; Ferasse, 2016). As I will discuss in the next chapter, beyond its legal subjectivity, vulnerability is inextricably related to norms and ideals about how asylum seekers should live and the level of welfare and services host societies are expected to provide to them.

Chapter Five Moral economies of vulnerabilities

"Proud to be vulnerable" /Poem

When they talk about Hitler, it's not about all the good he has done.
Look at UNHCR. I will tell you that nobody knows.
In Moria, refugees are proud to be sick, I broke my arm to get a medical certificate.
If you have been tortured, you can sell yourself as vulnerable.
Being mentally ill is the price to pay for safe passage.
It's easier for a sinner to go to paradise, than for a refugee to get asylum in Greece
Scrap our names off the list of your business. No Law is perfect apart from the eternal Law of God.
Why do you, the guilty ones, want to teach us lessons in morality?
You prevent us from being happy. Us, the brave ones.

Ted Francoeur is a Congolese refugee who lived in Moria. His poems were in showing at the Legal Centre of Lesbos, June 2017.

Introduction

With this powerful, if not devastating association between the UNHCR and Hitler, Ted Francoeur talks about the experience of refugees in Moria today as one of abandonment and abjection. The perversity of making this association is only matched by the following verse: "I broke my arm to get a medical certificate". The surest road to freedom and to international protection is via the vulnerability route. The poem challenges the moral contours of refugee law, as it evidently collapses behind the walls of Moria.

Inspired by Ted's own deeper truth succinctly expressed in his poem, I am asking a question along similar lines in this chapter: what does Ted's affectual response tell us about the Greek (and European) asylum and reception system at this particular historical conjunction? In particular, I am interested in looking at human vulnerability not as an 'objective' condition but as a value to be extracted from the lives of refugees for the purpose of reception management. Vulnerability is embodied also in relation to how the asylum seeker carries the state's definition of vulnerability throughout their mobility within Greece. To this end, I begin by engaging with literature around the different economies, moral or otherwise, that underpin the reception of asylum seekers in modern industrialised countries. Scholars have pointed to the development of a particular moral economy of political asylum and care based

on humanitarian values and drawn from the legitimacy of the human body itself (Fassin, 2001, 2005; Watters, 2018). I argue that human vulnerability as a discourse of victimisation and as a method of distinction between 'worthy' and 'unworthy' refugees is at the heart of contemporary moral economies of care yet overlooked. By researching how accommodation and asylum services construct different layers of human worthiness and spaces of worth extraction and juxtaposing those to spaces that operate outside the framework of vulnerability, I hope to contribute to the development of countering such practices.

In this chapter, I analyse the conditions that give rise to such constructions of human worthiness. The first empirical section looks at the discrepancy between the urgency that the imprisoned refugee body confers and the ways in which this urgency is downplayed through the probe of prioritisation of the most vulnerable. The second part discusses normative and practical efforts to normalise the lives of asylum seekers through financial strategies that point to the ways in which vulnerability becomes valuable to others. We are at a point now where vulnerability designations in Moria have become the norm, not the exception: most manage to get hold of a certificate that proves their statutory vulnerability. In contrast to the previous chapter, where I discussed the raw bureaucratic operationalisation of vulnerability, I am now interested in addressing vulnerability not in its legal subjectivity but in relation to its entanglements with economies, values and modes of survival.

5.1 **Vulnerability economies**

In the opening of chapter three, we were confronted with the notion that the 'real' refugees had already crossed during the migration event of 2015. Those arriving later have been treated as 'real' only as far as they can prove they fall under the vulnerability categories. Not only does the deliberation on vulnerability at point of entry have substantial implications on the asylum determination, but it also influences how asylum seekers access asylum services and health care. This line of thinking is indicative of the values and norms that characterise immigration control during this period. In broader terms, they are part of a moral economy that influences migrants' lives and experiences.

The notion of a moral economy has shown remarkable relevance over recent decades. In academia it has been distinctly associated with the work of E.P. Thompson (1971) on the link between societal norms and economic functions that brew the riots of the English poor in the

eighteenth century; as well as the work of James C. Scott (1976) on the moral economy of peasants in South East Asia, which links social mobilisation and economic logic in the developing world. In parallel it has been linked to the moral foundations of the welfare state. In an influential essay, political economist Andrew Sayer (2000) argues that in order to analyse critically contemporary economic activity, it is essential to understand the extent to which these are influenced by moral norms and sentiments. He cites Amartya Sen's capabilities approach and the work of feminist economists as examples of centering the human and their needs around the study of economics. Moral economies therefore underpin analysis about household economics as well as broader forms of production and value exchange than merely market economies. In a more recent review of the impact of the concept in the social sciences more broadly, anthropologist Didier Fassin (2009) argues that a tension emerges through its various usages and expansion in different disciplines as to where the emphasis should lie, i.e on the 'moral' or the 'economy'. He proposes his own definition, arguing that the moral economy refers to "the production, distribution, circulation, and use of moral sentiments, emotions and values, norms and obligations in social space" (2009, p.1251). Drawing on his own engagement with the concept, Fassin contents in this article that despite standing as two separate concepts, there is a value in thinking about moral economy and political economy jointly.

Linkages between the moral and political economy are gaining ground in the analysis of the immigration question, with migrant labour and the reconstruction of European industrial economies as an obvious starting point. Fassin (2001, 2005, 2011) narrates the development of immigration policies in France centering on the body of the migrant: first as a body that labours and therefore justifies its presence through being healthy and able to work; later on as a sick body, through the introduction of the administrative category in asylum law of a 'humanitarian rationale' as grounds for granting entry and international protection. As the author emphasises, this shift does not indicate the passing from one historical period to another. Migrant labour continues to be overtly exploited albeit in localised smaller scales. Similarly, the sick body remains a social resource from which value can be extracted, not through labour, but through the exercise of compassion which characterises contemporary moral economies. The work and influence of humanitarian organisations in mobilising emotions and values about the suffering body is prominent throughout Fassin's work (2012, 2013, Fassin & Bouagga, 2015). He refers to this process of as 'biolegitimacy' whereby

reasons for political persecution give way to humanitarian values for the granting of international protection.

Fassin's idea of biolegitimacy builds on Foucault's notion of biopower and partly pushes for the consideration of life as shaped both by "political choices and moral economies" (2009, p.48). In his own words:

> Considering politics beyond governmentality is similarly to insist on the issues involved in the way human beings are treated and their lives are evaluated more than on the technologies at work in these processes (…) its moving from the 'rules of the game' to its stakes" (2009, p.52).

For Fassin (2009), the politics of life, and not just biopolitics in the Foucauldian sense, is not simply a question of governmentality but also of meaning and values. The issues involved in decisions about how humans should live are indeed political as they have real consequences on what he calls 'bio-inequalities', indicating which lives are deemed worth living. In the evolving moral economy of humanitarianism, questions of values and material resources are inextricably linked, particularly in relation to who is eligible for relief. The question of victimhood is in this way linked with this process of value extraction from the lives of the marginalised. A relevant example is the way in which humanitarian actors extract meaning from the suffering of asylum seekers and construct them as vulnerable.

The idea that contemporary immigration, asylum and border policies in Europe are characterised by particular moral economies reflects the wider societal values and economic logics that render migrants as 'legitimate' or 'illegitimate', 'bogus' or 'real', 'worthy' or 'unworthy'. In social and health sciences, Charles Watters (2007) argues for a moral economy of care, in order to analyse how legal-political regimes of exclusion impact on the mental and general health of migrants at border entry points. Bringing together examples from five different European countries, Watters emphasises the importance of considering the contexts in which migrants enter at European borders and the close relationship between immigration control and welfare provision. Who should be provided care and why has therefore been at the heart of the developing moral economies in EUrope. In the example of Lesbos and the asylum services in Greece overall, vulnerability status similarly marks the boundaries of entitlement between deserving and undeserving migrants. In Moria, humanitarian actors talk about a 'mental health' epidemic. Meanwhile, the care offered on

the islands is different from the care in the mainland not least because of the disparities in existing infrastructure and the existence on the islands of humanitarian-security logics.

Another recent attempt to stretch the Foulcaudian framework of biopolitics in order to understand contemporary bordering practices is Ruben Anderson's (2018) notion of a 'bioeconomy'. With this, he is interested in sketching out how economic activities and embodied relationships both generate and extract value out of human vitality in processes of deterrence and expulsion at borderlands. According to the author, "while a biopolitical perspective helps shine a light on the violence of this 'expulsion' into deserts and maritime spaces, a bioeconomy lens shifts analysis from violence in isolation toward the political economy that feeds and motivates such violence" (2018, p.424). This notion takes us away from the moral economy proper and into the existence of predatory forces that play into subtler forms of value extraction from migrants' lives. So, besides the profit-making ventures of big security companies, the author points to "subtler relationships of production, exchange, and consumption of migrant vitality". Such examples include but are not limited to what he calls the "downgrading" and "devitalising" of migrant lived time within camps and detention facilities, the humanitarian and security complex in place as well as migrants' consumption choices (2018, p.426). Evidence is also provided through Anderson's account of risk-based strategies in relation to the tackling of smuggling networks who are viewed in purely economic terms as business models. These strategies are drawn by security analysts and statisticians who assume migrants will respond to multiple forms of deterrence through a cost-benefit analysis.

Geographical interest has also grown in this area. In a recent volume titled 'Intimate Economies of Immigration Detention' edited by Deidre Conlon and Nancy Hiemstra (2017), contributors explore different forms of accumulation predated on dispossessed lives from privatisation to 'softer' forms such as guidelines for detention centres by humanitarian actors that help to normalise detention as a form of management (Morris, 2017). The metaphor of intimacy helps these geographers to explore not only the close relationships between capital and immigration detention but also the intimacy developed between migrants, visitors and carers in sharing a common knowledge about what goes on behind closed doors (Flea, 2017). Another emerging theme is that of destitution economies. This involves mapping the ways in which migrant destitution has become valuable to agents and institutions of power (Coddington, Conlon &Martin, 2019). These concerns echo an earlier call by James Tyner

(2013) for population geographers to pay more attention to the ways in which populations are rendered surplus and disposable through economic relations. What these studies have in common is the examination of relationships of production and exchange along multiple forms of value creation and extraction from policies that target the very lives of illegalised migrants.

There is an abundance of examples of such predatory forces at play in Greece. I have already alluded in the previous chapter to relationships of exchange involved in the recruitment of state employees (KEELPNO and the Asylum Service), and the purchase of vulnerability certificates, and I will delve deeper into this theme in the following sections. Although not explicitly stated, (bio)economies of border and immigration control are not separate from the larger and/or localised moral economies. The UK's policy of 'hostile environment' coupled with strategies of dispersal and economic destitution (Coddington, 2019) is a classic example of this evolving moral economy that aims to narrow the prospects of life for migrants. In Greece, as I will show, a similar result is achieved through a state system of prioritisation and financialisation of services that aims to reach the most vulnerable for a limited amount of time, creating economic relationships that sustain asylum seekers' precarity.

The moral imperative to protect the vulnerable is entangled with what I call vulnerability economies. Simply put, the concept denotes the ways in which the identification of vulnerability has entered into regimes of value production and exchange within the Greek reception system and is elaborated here in relation to the administration of vulnerable asylum seekers across the Greek territory. On the one hand, I consider the management of what authorities in Lesbos refer to as overpopulation with the imbrication of the vulnerable body within a continuum of urgency and waiting. On the other, I focus on financial strategies of normalisation of the lives of vulnerable refugees who are transferred to the mainland. This outlines how migrant vulnerability has become valuable to others.

5.2 **The Kurdish incident**

A fight broke out in Moria on Sunday, May 27, 2018. According to my informant, the clash had religious overtones. A mob of Arabic-speaking Syrians and Iraqis attacked members of the Kurdish Yezidi community on the grounds that they did not practice Ramadan. This fight resulted in serious injuries, with 900 Kurdish Syrians abandoning the hotspot, refusing to return. Around 300 of them found refuge in PIKPA, a long-standing volunteer-serviced settlement near Mytilene airport. Approximately 200 ended up in the UNHCR camp in Skala

Sycamnias in the north of the island. The rest were sheltered by NGO Humans for Humanity in a temporary settlement which was set up without permission in the premises of an unused tennis court.

During the following days, practically every NGO and volunteer group on the island was involved in some capacity to support what they perceived to be a case of internal displacement, as their potential return to Moria could put lives at risk. As the MSF field coordinator explained, the organisation was able to provide some of the injured individuals with first aid support and a certificate of care, in the hope that the latter would strengthen their case for not accepting to return to Moria. This was neither the first nor the last time Moria residents experienced such events. Protests about living conditions were regularly met by police brutality. Informants claimed that the situation of Yezidi Kurds in Moria had been frequently flagged up with UNHCR who were expected to intervene to find alternative accommodation. Alas, UNHCR claimed to be powerless as such a decision could only have come from the RIC's commander. Overall, NGO practitioners spoke of high levels of insecurity within the camp and migrants' vulnerability to multiple forms of violence.

A parallel conflict arose, this time between the local/regional authorities and the Ministry for Migration. The former accused the latter for not consulting with them regarding the distribution of the displaced Kurds and asked them to relocate the Kurds to the mainland. What was particularly emphasised during interviews with local and regional authority staff was their opposition to the creation of the new spaces of accommodation on the island. As the spokesperson to the secretary general argued:

> There have been two local council decisions and it was unanimously decided that we would not accept any new camps on the island besides Moria and Kara-Tepe. The decisions have been communicated through the proper channels. The Kurdish camp is therefore illegal. (Interview, male, Lesbos, June 2018)

Meanwhile, a warning was released by the camp's commander that unless Kurdish refugees returned to the Moria camp, their food, financial allowances and appointments with the asylum service would be revoked. This move was interpreted by NGOs as a direct form of coercion and administrative violence directed towards the most vulnerable. In the next few days, during the Northern Aegean Prefecture (regional authority) meeting, the incident became part of a larger discussion regarding what was widely perceived as a problem of overpopulation as well as the lack of political will on behalf of the central government to

redistribute vulnerable asylum seekers from Lesbos to the mainland. At the time there were approximately 7000 refugees in Moria, at least two times its capacity. As a high-ranking political actor of the regional authority put it in one of our interviews:

> Overpopulation is the root of the problem, that's what causes the problems and the lack of response, this is what makes locals upset and loose trust in politicians therefore this is what we should target, overpopulation (Interview, male, Lesbos, June 2018).

The incident instilled renewed fervour to the question of relocation of vulnerable migrants to the mainland. Under the said conditions, evacuation from the island appears as a moral imperative, both in regard to the wellbeing of migrants and that of the local population. This is the urgency that practically all reports from major humanitarian and rights organisations in Lesbos politically articulate with the demand to lift the geographical restriction, demonstrated by the Kurdish displacement and stories about fear of death. Similarly, the ascription of vulnerability implies an urgency of a body in need of care in the here and now, however migrants are made to wait in what are often described as inhumane conditions and disciplined when posed to take independent action. For local authorities, the urgency is conveyed in relation to the risks posed by overpopulation to the island's infrastructure and the damage to its image as a holiday destination. However, only a small number will eventually be transferred to the mainland and the management of overpopulation is mediated with a system of prioritisation of referral to accommodation within the island.

5.3 **Waiting**

Poem: *Prisoner*
I don't know where I come from, but they call me a refugee.
I am imprisoned in Moria and deprived of my liberty.
There are men, women, children, all desperate.
Articulate well this phrase "we are all prisoners".
This ceremony is not enough to make me smile.
I want to be free, like Mohamed Ali in the ring.
The walls of Moria are the nightmares in my sleep.
UNHCR knows, I am saying nothing new.
To cross the borders of Moria, you have to be vulnerable.
Human rights? No! Not for those who came over the water.
A dozen people died in Moria during the cold. No excuses.
Nobody is guilty, since we are the uncivilized ones.
We want to register our names in the lists of refugees, but alas, in the asylum offices they give us the label of migrants.

Ted Franqouer, Lesbos 2017

Recounting the collective fate of those who, like the writer of this poem, are prisoners of the camp, prisoners of the categories assigned to them – I read Ted's follow-up poem as a denunciation: nobody takes responsibility for the deaths in Moria, no one is found guilty, he claims, because after all, refugees are the uncivilised ones. The assertion of their condition as refugees is denied as soon as they meet the immigration case workers, while their prospects for freedom from incarceration depend on their designation as vulnerable. In a way, they are dependent on law. As David Farrier (2011) explains, law has a presuppositional structure as "nothing exists outside the law" (2011, p.24). As such the legal designation of vulnerability provides just for their limited inclusion while maintaining their exclusion through the denial of the refugee status. Furthermore, Ted's own appraisal of the refugee community in Moria as uncivilised can be read as a way of acknowledging their infrahumanity and how colonial power continues to cast a shadow over the present, as some lives are evidently worth more than others. So next to the biopolitical technologies of vulnerability designations and asylum categorisation, death appears to be part of the material reality of their lives in Moria.

The sense of despair which Ted described in his poem was palpable in Moria. In conversations with asylum seekers, I often heard the phrase "we are trapped here, waiting to die". Uncertainty over the result of the long asylum process was exacerbated by the scarce resources refugees in Moria had at their disposal. This included gravely insufficient provisions of food and water, sanitary facilities and heating sources. These experiences are not unique to the residents of Moria. Following Mbembe (2003), hunger, violence and abjection have been historically sanctioned for the political ends of exclusion. He offers the concept of necropolitics as a way to theorise what he calls "the creation of *death-worlds*, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead"* (2003:40). His notion of necropolitics builds on Foucault's and Agamben's ideas of biopower which he characterises as Eurocentric, focusing in particular on the right of the sovereign to kill as a political technology paradigmatically used in colonial plantations. In their study of the 'jungle', the informal settlement in Calais, Davies et al., (2019) argue biopolitics and necropolitics work in a dialectical form: "[t]he active involvement of the state in the bureaucratic biometric border processes can be contrasted to the evident absence of the state in the EU's abandoned refugee spaces" (2019, p.1280). In this way, the impunity enjoyed by authorities for the deaths in Moria reaffirms the interstitial position of refugees in Moria as racialised others excluded

through their inclusion in the space of the camp, where the everyday is experienced as death in waiting.

In an illuminating report regarding the social, political and ethical implications of waiting, geographer Elisabeth Olson (2015) sheds light onto the "hierarchical organisations of scales of moral deliberation" in which the body as a scale of urgency is downplayed (2015, p.520). As an example, she discusses the global issue of toileting and sanitation where the basic urgency of human defecation is only recognised when it presents a threat to the sanitation of states. Gradually, bodily urgencies appear insignificant in the face of large-scale emergencies such as future climate events where the governmental technologies of preparedness and risk aversion promote resilience instead. The decoupling of ethics from urgency, she argues, assists the state in "retaining moral urgency" where the waiting of the marginalised features "as the denial of urgency" (2015, p.522). This is true not only for imminent environmental threats but also for the threat of social unrest. As the example of the Kurdish incident shows, in the face of a future island emergency, the urgency of the insecure migrant bodies to find safety is treated as unruly and as requiring management. The suffering bodies of migrants in Moria set them apart from the rest of the island's population as rightful citizens, they are excluded from the political community.

Conversely to the logic of externalisation where the state renders migrants and spaces around them as threats, geographical restriction on the island and evacuation of the vulnerable is a policy in which the inside (Greek territory) is constructed as outside through an exceptional legal geography. Mailet et al., (2018) document a similar phenomenon in the French so-called 'Law of the Waiting Zone'. Initially applied at entry ports but progressively extended to other parts of the territory, individuals with irregular status are excluded from admission to the country, unless they are deemed vulnerable to the refugee agency. Moreover, the urgent migrant body *in waiting* is obscured through spatiotemporal technologies such as evacuation lists, which feature not just the names of the most vulnerable but also those of the most unwanted as well. As my informant at the Ministry of Migration Policy explained, in Moria's evacuation lists, the most vulnerable compete for a place with those perceived as troublemakers, or those who attempt to organise their peers in claiming their rights. In the logic of the military camp that penetrates the organisation of Moria, the RIC commander has the final say in the composition of those lists. Hoping to be granted a place or waiting for the next opportunity to come, the majority are condemned to a vulnerability contest. Evacuation

lists thereby function as techniques for ordering and prioritising life in the age of the geographical restriction, slowing or speeding up time.

Waiting, experienced both as a temporal and spatial condition, has resonated with much geographical work exploring mobility and migration. Many scholars explore waiting in relation to the asylum process where asylum seekers live in limbo and liminality (Darling, 2009; Khosravi, 2010, Conlon, 2011; Hyndman & Giles, 2011; Seitz, 2017; O'Reilly, 2018). Migrants wait in transit, in camps, in detention, in hiding, behind bushes, for responses, legal papers, for assistance. Waiting is not necessarily stagnant but rather often takes place in spaces of mobility (Gill, 2009). These are invariably spaces of migrant detention and dispersal, often deliberately prohibiting them from developing meaningful relationships with their carers and peers. As I have argued elsewhere with Vradis et al., (2018), migrant mobility is not only encouraged but it has, in the age of the hotspot, become a condition of life. It is the threat of never being allowed to complete the journey, to finally rest, that perpetuates this continuous mobility and endless waiting. Similarly, scholars have analysed waiting as resulting dependencies (for instance to humanitarian or legal assistance) and political subordination (Auyero, 2012) but also emphasised the rejection of waiting by migrants through practices of resistance (Mountz, 2011). In Moria, as I have shown in chapter four, some transform what would be dead time into a strategy to gain biolegitimacy using vulnerability as their weapon.

If we conceptualise Moria as a large waiting room where precariousness is produced and a vulnerability status is sought after, we are then unavoidably confronted with the ambiguous ethics of reception and asylum services. Firstly, this ambiguity is evident by the fact that migrant urgency is denied or temporarily mediated through an economy of prioritisation. One manifestation of this economy relates to the production of closed spaces within the hotspot which sustain the imperative to protect the vulnerable by prioritising their perceived needs. Officially referred to by immigration authorities and humanitarian actors as 'safe zones', these are fenced areas where unaccompanied minors and separated children are locked up due to their legal subjectivity, until a suitable place is found on the mainland. During conversations with the immigration authorities, safe zones were presented to me as a lesser evil, a temporary measure that provides the possibility for social workers and the police to monitor the whereabouts and wellbeing of minors, avoiding the risk of exposing them to harm. In reality, as N., a social worker in the safe zone in Moria during 2018 explained,

children of 14 years of age are required to share rooms with older teens with severe psychiatric problems exposing them to further risks. 'Safe zones' emerged during my fieldwork as a primary example of an ethics of protection and prioritisation towards the vulnerable which relies on practices of incarceration. In the summer of 2019, a 15-year-old boy died after a fight broke out in the safe zone. Their vulnerability can only take them so far. As Mayblin et al. (2020) argue, even in cases where the state appears to be willing to meet its legal obligation to those claiming asylum, this obligation is often fulfilled to an absolute minimum resulting in everyday harm.

A similar logic underpins the distribution of other vulnerable groups. There exists, in the minds of state authorities and humanitarian personnel I interviewed, a hierarchy of topographies of safety within the camp. At the time, the camp was divided in five sections and four zones, the registration area known as 'Rub Hall[38]' as well as the spill over area known as 'the olive grove', an unofficial site which had been incorporated through the years into the general living space, yet with no infrastructural support. As such, 'the olive grove' is understood to be riskier. Similar to unaccompanied minors who live in Section B, single women are allocated to Section C, where there is twenty-four-hour security offered by an NGO aiming to enhance safety. Zones are additionally divided along the lines of ethnicity. Accordingly, one of the tasks of the humanitarian protection teams that service Moria's vulnerable population is to monitor that those boundaries are respected.

5.4 **Prioritisation**

Beyond the immediate physical environment of the camp, an economy of prioritisation dictates the way in which asylum seekers are distributed to the remaining accommodation spaces according to their vulnerability. During my fieldwork I noted a small network of camps and apartments situated across the island, which since 2015 have developed into tiny enclaves of survivability. PIKPA, operated by the local NGO 'The village of Altogether' takes in refugees with serious medical conditions thanks to the presence of volunteer doctors. Single-headed families and pregnant women would stay in Kara Tepe, the only other camp formally under the jurisdiction of municipal authorities. Finally, six apartments run by the NGO 'Iliahtida' under ESTIA, a countrywide programme managed by the UNHCR, are home to vulnerable individuals. Additionally, shifting temporalities of waiting also emerged in

[38] 'Rub Halls' are rather large, relocatable tents commonly used in humanitarian emergencies. Their name derives from the manufacturing company Rubb Building Systems.

relation to available accommodation space. As the population of Moria continued to rise, priorities were influenced according to perceptions of groups among the vulnerable who may have been at enhanced risk. For instance, in the second half of 2017, NGOs were prioritising pregnant women, whilst in the first half of 2018, the focus shifted onto single women and families with new-borns instead. Meanwhile, individuals suffering from serious psychiatric conditions were excluded from most accommodation schemes due to a lack of qualified NGO personnel. Although an effort was made to consider the structural problems that play into one's vulnerability, the severe shortage of alternative accommodation spaces to Moria did not leave much room for choice.

Lists of individual or family cases were passed on and presented for discussion during the health working groups and interagency coordination meetings where the final decisions were made. As an UNHCR employee tasked with monitoring the implementation of the ESTIA on Lesbos confirmed, the single most important activity of NGO and volunteer organisations on the island were the prioritisation of cases for referral to accommodation. The new vulnerability form KEELPNO had introduced was widely praised in relation to prioritisation of cases, because it contained more detailed information on the individuals' medical condition. The more critically inclined among my informants believed that the new forms weighed in disproportionately on the decision due to the fact that the medical organisation was seen as 'the state'. Given the predominantly medical character of the KEELPNO assessment and the lack of a holistic approach, it is easy to deduct that the system tends to favour a certain profile of refugees. This is further supported by research. One major issue with vulnerability lists, argues Eleonore Koffman (2019), is the targeting of women as vulnerable and as victims and the near absence of single young men from care frameworks. Similarly, Papadopoulos and Gionakis (2018), both psychotherapists at the forefront of refugee mental health in Greece, emphasise the serious limitations in addressing vulnerability this way, including on the well-being of fathers who are often isolated due to the radical role changes in the family brought about by the refugee journey. My argument here is that the focus on priority lists leads to discrimination and obscures the institutionalised injustices that create vulnerabilities in the first place.

Recent scholarly work critical of the framework of vulnerability as a method of accessing accommodation and care has emphasised the coming together of people in precarious situations as a counter example to their selective humanitarian integrations as vulnerable and

as victims. Squire (2018) discusses the creation of alternative spaces such as the autonomously run hotel city plaza in Athens as a space where disposable or abandoned lives can actually begin rebuilding their future. In these spaces, the decision to be inclusive is not based on any vulnerability test but rather on the premise of what each individual has to offer to the community. Sparke and Mitchell (2018) expose the supposed safe humanitarian space of the hotspots as a product of geopolitical imaginations of spaces and juxtapose that to alternative spaces built by what they call 'geosocial solidarity', which promotes embodied forms of safety, organisational autonomy and spatial liberty. Similarly, in my exploration of autonomous spaces in Lesbos, I noted the emergence of structures that aim to counter migrants' dependency on humanitarian assistance and the imposed identity of vulnerability and victimhood. For instance, the day centre 'One Happy Family' funded by a Swiss NGO, aims "to counter the experience of life in Moria", according to its coordinator (fieldwork notes, June 2018). Their organisational philosophy is mirrored in the way the space is designed: the main activities building is a buzzing open space, laid out as if it were the main commercial town square. There is a 'bank', a hairdresser and barber, a tailor, a café, an internet café, a resting place. In the middle of this setting, an olive tree represents the village square; the bank at the entrance hands out fake bank notes (called 'swiss drachmas' representing the currencies of Switzerland and the former Greek currency) so that services can be purchased. In her description, the coordinator spoke about the stolen power of choice in Moria, where refugees are handed out things they may not need and vice versa, denied things they may desperately need. There is no system of prioritisation or lists in this day centre, but rather the urgency for relief from the pathogen that is Moria in the here and now, in skill sharing, as well as in the tiny gesture of symbolic payment for a refreshment beverage at the café, with the swiss drachmas individuals were handed out at the entrance .

The policy of geographical restriction and evacuation are governmental practices that impinge on migrant mobility, bringing up issues of the materiality of life in the camp or outside it. Elsewhere (Papada et al., 2019) I have discussed how systems of humanitarian classification during the heightened days of arrivals in Lesbos were gradually incorporated into the hotspot approach for the purpose of ordering the transit of mobile migrants. Under the current regime of geographical restriction, accommodation options are strictly managed with a logic of prioritisation of the most vulnerable, often relying solely on extreme forms of victimisation and criminalisation as in the case of the Kurdish displacement.

5.5 **Normalisation**

> Everyone wants things to go back to normal but it's not easy. Local communities have suffered for too long: on top of the economic crisis we got the refugee crisis as well. There are simply not enough doctors, the water system is not designed to hold for fifteen more thousand people.
> (Interview, Regional Authority of the Northern Aegean, June 2018)

This statement by a political leader in the regional authority raises the question what counts as a 'normal' life for refugees and citizens in contemporary Greece? The country's recent financial woes have been unavoidably intertwined with the management of its refugee population, not least because of Greece's liminal position to the EU's financial and decision-making institutions. Indeed, as Neilson (2018) notes, migration has been used as a currency of exchange during the negotiations between Greece and the EU. In this section, I argue that policies on how to deal with its current migrant and refugee population have been dominated by an overall expectation for Greece to act like a 'normal' European country; in plain words, to stop refugees from going north while proving the means for them to live 'regular lives'. The discourse for a return to things as they were 'before', commonly promoted by media and the political class, is also a nostalgia for a country without its 'double crisis'. However, as the quote above shows, the search for a new normal stumble on the devastation that austerity politics have left in their wake.

How can we understand these processes? In Foucault's thought, the idea of normality has a political function. Rather than accepting it uncritically, he understands it as a process of constituting that which is normal by juxtaposing it to that which is abnormal. Derek Gregory discusses the discursive production of 'Europe' and 'the Orient' as a process of normalisation:

> In Foucault's eyes, modern societies were discursively constituted through a series of normalising judgments that we put into effect by a system of divisions and oppositions. He traces this process in his histories of the clinic, madness, the prison and sexuality, so that Europeans came to constitute themselves as (for example) rational subjects by producing boundaries between themselves and those construed as insane. If this is a generalised strategy of Western metaphysics, its materialisation involved the installation of geographies of partition: the production of spaces of purification and spaces of exclusion (1998, p.84).

Norms have a central place in the proliferation of power in modern societies because under disciplinary power, the norm determines what is 'normal.' For Foucault *the norm*, writes Elden, "is not simply a principle of intelligibility that allows us to compare and contrast, but

it's both a principle of qualification and a principal for correction" (2017, p.25). Crises are by definition exceptional, that is, they exist outside of the norm. A return to a pre- or a post-crisis normality is nurtured by ideas about how things should be and what is wrong with them now. For Foucault, the apparatus of normalisation is therefore a knowledge power relation that allows the norm to become a useful political technology of intervention, a normative project. Reinstating Greek sovereignty over the administration of EU funds by minimising direct funding to IGOs and closing the camps have been key correctional moves, which were, however, complicated by Greece's endemic structural problems and its long-standing dependency on proximate forms of authority (such as relevant UN, EU and international financial institutions) to implement programmes and reforms.

Throughout 2018, when fieldwork for this thesis was conducted, the country's asylum-seeking population was divided by the internal border of geographical restriction; less than two thirds of them were scattered in the mainland and the rest were trapped in the five island hotspots. At the time of drafting this chapter, in the winter of 2020, the ratio is split as follows: around 45,000 asylum seekers remain in hotspots while an equal number of lives are in the mainland, the majority of which facing an uncertain future. By far the most likely to depart from the islands are those with a vulnerability status, under occasional hotspot evacuation campaigns led by the Greek government. On either side of the internal border, island or mainland, from one point of displacement to the other, a process of selective in/exclusion has been at work, which constitutes the new 'normal'. The knowledge collected over refugee nationalities and vulnerability status is an essential part of the apparatus of normalisation.

Discussing how power is exercised in the complex spatialities of borders, Allen (2016) illustrates its ability to create relational proximities through the operation of mediating institutions that continue its work of inclusion and exclusion: "What remains related despite the deformation of state borders is a system of inclusion and exclusion that reproduces itself differently: not only through spatial arrangements, but also with varying degrees of intensity and presence" (2016, p.129). In this way, Allen continues, the border makes its presence felt "through activating topological systems of power, combining different practices and technologies of power in order to make inclusion and exclusion work" (2016, p.139). While the geographical restriction may be considered as an overt exercise of sovereign power, the distant management of borders is also carried out by indirect measures such as funding

conditionality. Similarly, strategies of inclusion of the most vulnerable through projects of urban accommodation and their evacuation from the islands are often short-lived and predicated upon logics of deservingness and victimisation which fundamentally divide refugees from the majoritarian society. The discursive production of mainland Greece as a space of normality is constituted through the careful selection and transfer of the 'most vulnerable' from the islands, while the islands remain as spaces in perpetual need for intervention. Vulnerability economies, to return to my initial argument, are deeply embedded in these measures.

5.5.1 The Reception Accommodation System

> Our new funding is a game changer on how we deliver aid to improve people's lives. The aim of these new projects is to get refugees out of the camps and into everyday accommodation and help them have more secure and normal lives. Together with our humanitarian partners and the national authorities, we are committed to helping the most vulnerable refugees and fulfilling our humanitarian duty in the move towards a more cost-effective response.
>
> (ESTIA website, Commissioner of Migration)

Prior to 2015, the official state capacity for the accommodation of asylum seekers ranged between 1,000 to 1,200, falling short of meeting the needs of the population. Funded exclusively by the EU's AMIF and run by national NGOs, the majority of these facilities housed unaccompanied minors and families. Referrals to accommodation went through a prioritisation system operated by EKKA, the national coordinator actor of support services to families, groups and individuals in need of emergency aid. Alongside accommodation, the programmes funded social and psychological assistance, interpretation and legal counsel. Most of these schemes continued to operate with limited capacity during 2015 and 2016. At the time, nearly seventy thousand refugees who were trapped in Greece were hosted in a large network of camps operated by IGOs with direct EU funding.

The post EU-Turkey Agreement reception system was reformed on the basis of the geographical restriction and the prioritisation of vulnerable groups. With the EU relocation scheme officially ending in 2017, for those remaining in Greece, the opportunity to continue their journey north became extremely limited. During 2017 and 2018, referrals for adults and families coming from the islands either with vulnerability status or with some form of international protection were now operationalised by UNHCR. EKKA began handling

exclusively referrals for unaccompanied minors. A separate system of emergency transfers from the islands was administered by IOM in conjunction with the Ministry of Migration Policy.

The new system corresponded to a three-pronged accommodation strategy targeting the most vulnerable. First, what was previously the national reception system, with 1,200 or so places in reception centres, would now exclusively host the unaccompanied minors referred by EKKA. Second, adults and families were predominantly sent to the UNHCR urban accommodation scheme ESTIA, made up of apartments and rented rooms in hotels. Third, funding was allocated to IOM for setting up six to nine-month-long emergency short-term accommodation. In reality, only a small number of the overall available accommodation spaces were managed directly by the Greek authorities. A large number were still housed in camps, which were under-serviced as NGOs began to pull out. Finally, long asylum procedure times continued to impact the quality of lives of asylum seekers.

ESTIA features accommodation in apartments and a temporary cash assistance scheme in the form of debit cards to eligible asylum seekers. During discussions with UNHCR staff and NGO practitioners in both Athens and Lesbos, ESTIA was perceived as an important step towards refugee inclusion, often discussed as a positive example as opposed to the larger-scale reception facilities to be found in Northern Europe. Overall, interventions aimed at progressively withdrawing the support of NGO's and handing over the different accommodation programmes to the Greek state. However, with the continuing arrivals on the islands, particularly through 2018, accommodation needs were increasing, not diminishing:

> We have been under pressure from the EU to close the camps. We ended up closing eight of them and re-opening them again a few months later as there is increasing need for accommodation for the vulnerable refugees leaving the islands (Interview, male, Athens, January 2019).

The Cash Assistance scheme is funded by the European Civil Protection Mechanism. Asylum seekers living in apartments, camps and hotels and fulfilling certain criteria, are issued with monthly renewable debit cards containing a subsistence allowance of about a hundred euros per person. As an UNHCR programme officer confirmed, while the aim is to promote refugee autonomy and inclusion, it also meant as a way of keeping track of their mobility as refugees are obliged to conduct themselves in particular ways, and to be at certain places. In a recent study, Martina Tazzioli (2019) analyses the function of debit cards as technologies that create

temporary financialised subjectivities as mechanisms of control and government (2019, p.401). Through the sharing of data and monitoring of refugee movements, the debit card scheme aids IGOs and national and supranational authorities with extracting knowledge and value from the lives of refugees while offering a temporary respite from life in the camp. In her words:

> [humanitarian cash-based assistance] should be considered as one of the heterogeneous techniques through which states and nonstate actors try to regain control, not so much of singular asylum seekers but of refugee movements and populations at large—extracting value, at the same time, from refugees' temporary presence (2019, p.396).

Aiming, as the quote in the beginning of this section shows, to provide asylum seekers with more secure and normal lives, these disciplinary arrangements play into the moral economy of Greece's reception system and its bordering logic of exclusion, whereby asylum seekers are expected to consume and behave as citizens, without holding any citizenship rights. Meanwhile, it promotes specific bio-economies that want refugees acting as economically rational beings who can pursue longer-term financially autonomous lives, ignoring the causes behind migrant precarity and destitution in Greece. As most of the rented apartments were located in marginalised urban areas where rents are cheap, queues outside ATMs resulted in perceptions that the state offers assistance to refugees and not to its citizens, thereby further deepening feelings of hostility. If caught to defy the rules or indeed for those who are eventually assigned some form of international protection, rights to the programme are withheld, rendering these individuals a surplus to the national economy (see also Coddington, 2019).

Not all of those transferred to the mainland were allocated in hotels or apartments, as they were promised. In fact, the majority was first taken into the so-called 'transition camps' where a second layer of selection took place. NGO practitioners were then burdened with managing their expectations. Eventually, some would be allocated to what respondents referred to as 'community based' camps, i.e. camps organised by ethic group composition, while others were placed in apartments or hotels. As the former national coordinator of the accommodation referral system for asylum seekers explained, especially during heightened media pressure about the conditions in Moria, referral practices were messy, even risking the lives of the vulnerable and communities around them: "for instance, following the outcry for the deaths from toxic fumes in Moria, eight psychiatric cases were transferred to Thermopyles, a camp where the nearest hospital is 80 kilometres away". In another example,

35 pregnant women were moved from Moria to an IOM hotel in the Northern town of Grevena, where conditions in the winter are particularly difficult due to heavy snow, leaving asylum seekers isolated and without access to hospital for weeks.

Island decongestion has been a strategy of normalisation aimed at easing the burden posed on the islands. Quickly, vulnerable migrants enter the calculations of both the EC and the Greek authorities in their effort to uphold the new spatial relationship between the European North as a no-go area and the Mediterranean basin as a holding space. International condemnation over the conditions in the Greek hotspots triggered ad hoc responses from the Greek state and the EU, creating a vicious circle of victimisation of refugees. Focus from humanitarian actors on the winterisation of Moria were also guided by the idea of decongestion and supported inadvertently the normalisation of camps such as this one by shifting the discussion on the conditions and not on the reasons Moria exists in the first place. So Moria becomes the new normal. Overall, the current EU-Turkish Agreement obliged the Greek state to resort to a 'vulnerabilisation' of the refugee population as "planning at the central level occurs under the false assumption that refugees are no longer arriving since to plan otherwise would be to defy the EU-Turkey Deal" (Interview, male, Athens, January 2019).

5.5.2 Unaccompanied Minors

Partly due to the strict and complex legal framework concerning the treatment of children, adequate care for unaccompanied minors was key to Greece behaving like a 'normal' European country. However, the ambition to augment accommodation places was met with obstacles. For instance, the government's failure to set up a dedicated management authority for AMIF within the Ministry of Migration Policy (MMP) resulted in delays and maladministration by the central economic authority at the Ministry of Finance (MoF). As insiders in the Greek administration I interviewed reminded me, EU funds were deposited directly to MoF which was in turn reluctant to release payments due to the country's restricted financial liquidity. Aware of chronic problems with funding liquidity, national NGO's were cautious in responding to the funding call at all.

> Then we were told to come out of the emergency through AMIF. The call went out in late 2017 and the programmes began in January 2018 with the aim to increase accommodation capacity from 1,400 places to 2,000. They even told us we could start whenever we wanted as long as we filled in the gap in places. But there were not so many NGO's interested in applying. So, during 2018 the number of places fell

> below 900, in fact it fell to 600. So, from 1,400 instead of going up to 2,000 it went down to 600 places" (Interview, male, Athens, January 2019).

Additional problems were listed by my interviewees. In order to bring down the running costs, amounts were calculated not in relation to employees working in these facilities but rather a standard amount of about 8.5 euro per individual was set. This meant that if individuals absconded, or if transfers from the islands were delayed, corresponding amounts were deducted from the overall programme cost, making the programmes not an attractive option for national NGOs. In many cases, places were intentionally kept unoccupied in order for the NGOs to meet the actual costs of hosting and services. Furthermore, the AMIF required the creation of minimum standards both in relation to the buildings procured but also in relation to the services provided alongside accommodation. As S., responsible for the unaccompanied minors' policy at the Ministry of Migration explained:

> For instance, in order to approve a proposal, they required the building to have access for the disabled and of course there isn't such a thing in Greece. This is craziness. Most reception facilities didn't even have fire security, you need to apply for one and it takes a long time for the Fire Department to approve it then you must make building changes. In the meantime, 300 unaccompanied minors come every day through the borders (Interview, male, Athens, January 2019).

The solution to the dismal uptake of the AMIF came with an introduction of an emergency fund disbursed this time directly to IOM from the EU's DG Home, bypassing the Greek authorities. IOM was poised to find a way to push the numbers up by renting out small hotels across the country as part of the strategy of decongestion. While the hotel scheme succeeded in temporarily augmenting the total capacity by 300 places, it targeted exclusively unaccompanied minors and other vulnerable categories of people coming directly from the hotspots on the islands, bypassing the national referral mechanism and creating different velocities of mobility. Eventually, by the end of 2018, the national accommodation system for unaccompanied minors reached about 1,050 places.

In addition to the hotel solution, around 300 hundred out of the total spaces for unaccompanied minors were within 'safe zones' of 30 individuals in 10 camps spread across the country. 'Safe zones', like the one in Moria, were first initiated in the camp of Eidomeni during 2016 by NGO Arsis and were meant to be a temporary measure. Following my respondents, safe zones were eventually adopted more widely, as a response to international criticism about the condition of minors in Greece's detention centres. As a norm, these spaces were exclusively reserved for those living in RICs or held in protective custody in police cells

around the country. As D. exclaimed: "if an unaccompanied minor is found homeless on the streets of Athens, they will not be sent there" (Interview, male, Athens, January 2019). Altogether, funding conditionalities which targeted exclusively those with vulnerability status and those in detention resulted in what many NGO practitioners perceived to be structural injustices and exclusion. One major problem they regularly reported in our interviews was the fate of children with serious psychiatric problems. Pre-existing or exacerbated during their time in detention, these children were turned away from psychiatric clinics, because of fear that they would become permanent residents or simply lack of interpretation services. In terms of the overall quality of services provided, respondents argued that the same vulnerability was often handled in completely different ways depending on where they ended up. Several of the camps and the hotels were placed in remote areas without easy access to hospitals and other services. Hotels were characterised by social workers as a 'middle way solution' and "not as bad as safe zones", but far from ideal.

5.5.3 Adults and families

As I have shown in the previous section in relation to Lesbos, ESTIA apartments predominantly host asylum seekers and refugees who are transferred from the islands on account of their vulnerability. When it came down to the question of follow-up services available to those living in the apartments, respondents saw the autonomous living scheme as falling short of the promise of inclusion: "they (asylum seekers) form part of the urban network on paper, so they appear as 'integrated', but they aren't because the other essential steps towards integration have not taken place" (Interview, female, Athens, January 2019). Apartments were described to me as 'bed and breakfast', without the care network necessary for the follow-up of persons with serious health concerns. Long-term structural problems of the Greek welfare system were noted as well as a lack of sufficient personnel to facilitate steps towards conviviality. In some cases, people refused to move into apartments, or they would simply return to the camps around Athens because they felt isolated from their communities.

For most of the NGO practitioners in Athens tasked with running accommodation services, vulnerability assessments were understood to be nothing short of a tool that assisted the state in deciding on the appropriate housing scheme but of little consequence to their actual care needs. For instance, many arrived in Athens having been violated in Lesbos and may have been in a possession of a certificate from a private doctor or MSF. However, when it came to

their allocation from a transition camp into urban accommodation or a community-based camp, the same certificate could be interpreted in different ways depending who was in charge of making the transfer decision. Similarly, although living conditions in the mainland were generally better, the duration of the asylum process often exceeded two years during which time the overall population in need of accommodation was increasing. Ongoing processes such as family reunification and relocation, the two principle avenues for seeking asylum in another European country after crossing into Greece, became stricter. As N., an NGO practitioner recalled, soon after the implementation of the EU-Turkey deal, countries like Germany and Sweden shifted their attitudes towards family reunification. "I was overseeing really vulnerable cases, such that of a mother with a mentally ill son and they were refused to be reunited with her son in Sweden." (Interview, female, Skype, October 2018). The justification often given was that no 'responsible' mother would ever send her underage son to these countries.

Often, bordering logics in accommodation services were originating in the conditions of the funding itself. For instance, one of the vulnerable categories set to depart the islands were those who fell under the EU relocation scheme. Those were swiftly placed in ESTIA apartments. A bid was sent out for the opening of a medical clinic dedicated exclusively to relocation candidates in Athens. As the programme manager of MDM explained, the fund obliged the organisation to discriminate between a social group:

> We had two clinics, one in Pireos street and one in Sapfous street, just one block away from each other, whereby one was only attending to relocation candidates and the other was servicing refugees, migrants, Greeks and people without papers. And each had five doctors. The relocation clinic served five people a day whereas the other clinic a hundred and fifty. So, the former benefited from far superior services (Interview, male, Athens, January 2019).

Many examples of the divisions created by selective inclusion of migrants in EU-funded programmes were presented. According to my respondents, Syrian families would often refuse to wait in the same queue as, for instance, Afghan families because they considered themselves the 'real refugees' for whom aid was destined. However, the single most pervasive division promoted by the framework of vulnerability in conjunction with funding schemes that benefited those with vulnerability status was in relation to gender. Even prior to 2015, single men had little chance of accessing housing. Faking doctors' papers to prove sickness was the only way in. As a result of widespread destitution, young men's lives were driven further into exploitation and precarity, sometimes pushed into drug dealing and

prostitution. Torture victims are faced with perhaps the worst predicament out of all vulnerable categories. Being granted the category of a torture victim, wins you considerable points towards a positive asylum decision. However, there is a severe lack of dedicated psychological and rehabilitations services for this group. While in Athens in January 2019, I visited the only day centre that offers assistance to victims of torture by professionally trained personnel. I interviewed its Director, a former colleague. He was very passionate against what he considered a widespread vulnerabilisation of the refugee population in Greece based on a misguided understanding of vulnerability fabricated primarily by the humanitarian industry in order to showcase their interventions and attract funding. In their practice, he explained, they reject the notion that people are vulnerable because of particular characteristics and instead understand vulnerability as a result of a series of interactions between people and the environment:

> We for example work with one of these categories, the victims of torture category. They (asylum caseworkers) want a certification from us that they are indeed torture victims. And we say, excuse me, but if this person is a refugee, will they be given asylum or not? Is it only because they are a torture victim or because they are a refugee? You as an asylum case worker should be interested in whether the person is a refugee or not- whether they are a torture victim or not has to do with a special care, but not with whether they will be awarded asylum… But just because the case workers are nor properly trained and feel the pressure and responsibility of awarding the statues, in order to feel safe they ask for papers that prove vulnerability, they count them as points, collect as many points as you can and then you can go over that threshold in which you are considered as disable, vulnerable etc. But this dangerous, very dangerous…it creates subjectivities. In the interest of my survival, as an asylum seeker, I will become whatever you want me to be. I will become psychologically ill because this is the only way to get baby dippers."

The lack of a relational understanding of vulnerability, one that stems from the interaction between the individual, the state and the environment meant that their chances of being removed from such settings were next to zero. Instead, various economies of vulnerability, relying on prioritisation, normalisation and economic efficiency, appear to be guiding the choices of those responsible for administering individuals in accommodation programmes and health services.

What several of my respondents who work in the provision of asylum services have criticised is a trend towards the standardisation of refugee services according to manufactured needs that fit the vulnerability template, accompanied by what was perceived by them to be a culture gatekeeping in order to minimise spending. As I have briefly discussed in this section,

the housing and humanitarian cash assistance programme has helped some 'vulnerable' asylum seekers in finding a temporary respite from the life in the camp but ultimately, it has pushed migrants away from each other. So not only has the vulnerability framework failed to address the specific vulnerabilities faced by refugees in Greece during the period of this study, but it has worked to counter the adaptive capacities of migrants who rely on their own social networks and interdependency. Instead of focusing on humanitarian relief, what drives humanitarian assistance schemes as well as EU funded state led reception programs is the rehabilitation of migrants from their previous 'negative' coping strategies (for instance, relying on their respective communities for extra assistance) and their remoulding into a new liberal economic subject who is able to make rational economic decisions.

Conclusion

In Frames of War, Judith Butler (2009) takes on the subject of violence perpetrated during the US's war on terror to develop her theory of vulnerability. One of her central arguments revolves around the idea of the existence of normative frameworks that establish in advance which lives may be destructed and which ones may be sustained and lived, and under what conditions. While the body's sociality is what exposes it to violence in the first place, she notes, it is also where the body finds its survivability. To illustrate her argument, she uses the example of the affectual power of poetry written by detainees in Guantanamo Bay. Widely censored and confiscated by the US government, the few poems finally saw the public light, reminding us of the human resourcefulness in dealing with adversity. Through these poems, detainees express their own moral responsiveness to the ideology and absurd violence of the US military, they are an appeal to life. Similarly, in the beginning of this chapter, I posed Ted's poems as a powerful example of his predicament in Moria. His words clearly indicate his knowledge of the bordering logic of judicial vulnerability. They are words of indignation but also of pride. Finally, they are the moral evaluation of a framework that regards some lives as worthy of protection and leaves others to suffer or perish.

The aim of this chapter has been to understand the ways in which relationships of value production and exchange as driven by the moral imperative to protect the vulnerable work. What I found was an intimate connection between the framework of vulnerability and processes of value extraction targeting asylum seekers. First, such value extraction is enabled

by the victimisation of individuals and the reduction of the complex needs and capabilities into a restricted vocabulary of medical vulnerability. This finding adds to previous studies which underline the existence of moral and political economies which act to both create and extract value (monetary or otherwise) from the lives of asylum seekers and refugees (Andersson, 2018; Fassin, 2009; Tazzioli, 2019). In particular, I have shown how prioritisation and evacuation lists composed collectively or simply through the sovereign authority of the camp manager diminish the urgency of the body in waiting. Once on the list, asylum seekers may be allocated to accommodation inside or outside Moria following gendered and culturally based perceptions of vulnerability and deservingness. From this I conclude that the vulnerability framework creates imaginary geographies, spaces in the mainland and on the islands where individuals are administered following the power of social categorisation and their claim to entitlement. As Findlay (2005) suggested the internal vulnerabilities produced within these social spatialities are as powerful as the ones produced externally.

Often, the decision about who shall be allocated accommodation or other forms of care is already pre-determined by funding conditions. There exist therefore multiple evaluations which are projected on asylum seekers and refugees in Moria for the purpose of distributing the meagre resources set aside for their welfare. I argue that the system of prioritisation reflects not simply wider societal values regarding worthiness and deservingness (Watters, 2007), but rather a reliance on a measurable form of vulnerabilities which end up forming particular vulnerability economies. Furthermore, I have demonstrated the bordering and divisive logic of the vulnerability framework. Not only are accommodation programmes temporary, designed to discriminate between social groups, but they also promote the false assumption of an autonomous, economically rational and therefore responsible citizen by discouraging long term frameworks of support as costly. As a result, while some of them find temporary reprise, others suffer destitution and detachment from their communities. These findings confirm previous studies regarding the slow violence and harm that asylum seekers and refugees experience as a result of EU wide policies of exclusion (Coddington, 2019; Davies, 2019, Mayblin, 2020).

The findings I have laid out in the previous paragraphs suggest, in my opinion a worrying new trend in the humanitarian management of refugee populations. They point to a shift from

a concern with ‘refugee vulnerabilities’ to much more narrow focus with ‘vulnerable refugees’. In turn, this focus is guided by economic concerns rather than a traditional humanitarian sensitivity towards suffering. As I argued in chapter four, the neat segmentation of vulnerability into categories that correspond to particular personal characteristics instead of resulting in a better treatment during the interview, it facilitates a sovereign decision to include or exclude from territory and the regular asylum process. The effects of the use of the notion of vulnerability both in humanitarian assistance and in the asylum process is divisive: it splits individuals into worthy and unworthy subjects of international refugee law and social assistance.

Chapter Six Discussion and Conclusion

Introduction

This thesis has critiqued the implementation and procedures related to vulnerability assessments of refugees and asylum seekers on the Greek Island of Lesbos as a contribution to wider debates about humanitarian border governance. Encouraged by the European refugee crisis that saw millions of migrants from Syria and other parts of the world seek shelter in Europe, vulnerability assessments were seen by the Greek government as a humanitarian approach to implementing the EU-Turkey Agreement, deciding who is to seek asylum in Europe and who must be returned to Turkey. Based on my professional and activist engagement with the Greek asylum process and the refugee question on a European and international level, I aimed to look beyond an entirely positive representation of vulnerability assessments to gain a deeper understanding of the legal and political changes of asylum seeking in the Aegean borderzone and the multi-scalar practices of their implementation as a new tool of migration management in times of crisis. The realisation that the international protection of refugees at the EU's border areas were now hinged on vulnerability, whereas asylum seekers are not subjected to the EU-Turkey statement in the remaining Greek territory, contributed to my interest in critically interrogating how asylum law and humanitarian morality are deeply embedded in bordering processes.

Once it was apparent that vulnerability had become the guiding mantra not only of humanitarian work in the field but also of the asylum process at the border, I wondered how it is that, despite seemingly good intentions, efforts to protect those most vulnerable did not translate in long term solutions. Many of my close friends and former colleagues expressed the opinion that the Greek governments' focus on vulnerability was the only practical tool available to counter the most negative effects of the EU-Turkey Agreement. Regardless, I hesitated to consider the identification of vulnerability as one way of offering respite, as more 'good' than 'bad'. These were reflections that I visited multiple times throughout my three-year research and writing process.

Inspired by the framework of Institutional Ethnography, I have interrogated the ways in which institutional actors make use of the legal provision to identify those who fall under the category of vulnerability in order to implement the EU-Turkey Agreement. Based on

innovative ethnographic research and semi-structured interviews with institutional actors on Lesbos, this thesis combines the empirical research with contributing a theoretical understanding of the ways in which we conceptualise the relationship between vulnerability, borders and humanitarianism when discussing contemporary EU border and immigration controls. This conceptual contribution results from the methodological innovation of developing a geographical approach to institutional ethnography. This final chapter summarises the main arguments and findings, including a discussion of the theoretical points and their wider meaning for academic debates about migration management.

6.1 **Vulnerability and EU border management: theoretical reflections**

In the introductory chapter of this thesis, I have situated the practice of vulnerability assessments in the context of biopolitical and disciplining techniques that Foucault (1972) identified as reinforcing the power of institutional actors, such as EU agencies and Greek government, to include or exclude the 'other'. Conceptually, I have made this connection between vulnerability and borders by drawing on scholarship from within the interdisciplinary field of critical border and migration studies, which questions traditional ways of thinking about borders and their ontology. In moving away from the simplistic metaphor of borders as a line on the map, advancements in critical border and migration studies scholarship allowed me to situate vulnerability assessments in the Greek asylum process within broader strategies of governing populations. There are a host of different actors that take on the bordering work (Rumford, 2006); not only border control officers, but also police and security personnel, immigration officers and even, as I showed in chapters four and five, medical and social work professionals.

In chapter one, I have laid out the scholarly framework upon which this thesis draws its theoretical and conceptual foundations. I situated my research into the vulnerability based decision- making in the Greek asylum process at the border within four distinct but related fields of study, namely Critical Border Studies (CBS), critical readings of humanitarianism, critical geography and finally critical approaches to vulnerability. At their intersection, these studies exemplify how border enforcement and discourses of migrant illegality is matched with concerns over reducing the suffering experienced by people on the move (De Genova, Garelli &Tazzioli, 2018), pointing at the role of borders and immigration controls (including immigration law) in producing that suffering in the first place (Vaughan-Williams, 2009,

2015; Pallister-Willkins, 2018a; Williams, 2015). While L4375/2016 offers a definition of vulnerability in providing with specific characteristics of individuals who may be considered as such, the meaning of vulnerability remains elusive. The concept has been theorised as a condition that is a universal condition belonging to all humanity without connoting victimhood, but rather a platform for demands for social justice (Fineman, 2010; Nussbaum, 2006). In the meantime, vulnerability is also understood to be produced as a result of structural or legal violence, requiring us to look for the political reasons behind its existence. Butler (2003, 2009) has additionally distinguished between precariousness, precarity and precarisation, the latter indicating politically induced vulnerability. In geography, the concept has been theorised as relational, mobile and place-based experienced in the everyday, and as a condition that is kindled by structural and slow violence (Coddington, 2019).

In my discussion of vulnerability in relation to immigration and border controls I have shown how the notion of 'vulnerable groups' risks both compartmentalising vulnerabilities and policing the boundaries of who belongs to that group (Peroni & Timmer, 2013). I argued that the need for the hotspot administration to know who is vulnerable and who is not, is related to spatial and biopolitical processes of governing asylum seeking and refugee populations. The core contribution of this thesis lies in my conceptualisation of vulnerability assessments as temporary sovereign acts. This conceptualisation is brought in to describe the conditions under which a categorical interpretation of vulnerability such as that encouraged by asylum law aids the decision of institutional actors to include or exclude asylum seekers from exercising asylum rights in EU territory. By doing this, I drew a direct link between the spatiality of law (Blomley &Bakan, 1992; Delaney, 2003) and the changing nature of sovereignty at the border, adding on to recent studies that affirm "the entanglements between law and sovereignty in order to advance the exclusion of non-citizens to sovereign territory" (Mailet, Mountz & Williams, 2018, p.142). Moreover, my research also showed that the assignation of vulnerability in Moria did not go hand in hand with a critique of the dehumanising and violent conditions that persist in the hotspot, which led me to conclude that assigning vulnerability at the border does not imply a recognition of oppression nor abjection caused by immigration control policies. It is important to first move away from fixating the notion of vulnerability as something inherently good or bad and instead see it as ambiguous, ever changing and relational. To claim, as I do, that vulnerability can under certain circumstances breed more vulnerabilities, for example, through my finding that refugees' self-harm, is to acknowledge the necessity for geography to continuously engage with the

concept beyond its function as a measure of our well-being and as a diagnostic tool for the workings of power.

In my discussion of CBS scholarship, I have highlighted three/four themes particularly relevant to this research. The first one relates to the process of production and reproduction of borders at various scales (Johnson et al., 2011; Paasi, 1998), and the interrelatedness of these processes with constructing social categorisations (Fassin, 2011) such as through vulnerability designation. Second, I have drawn attention to studies that perceive practices of governing human mobility as involving relations of power and domination (Salter, 2012; Vaughan- Williams, 2008; Walters, 2006). As others before me have shown, those who seek to cross borders are faced with an evolving technological and administrative apparatus of security control which make them vulnerable to various forms of violence (Bialasiewicz, 2011; Broeders, 2007). Moreover, it is not only the state but also NGOs and international organisations who are involved in such relationships. This led to the third theme which addresses the fact that suffering migrants crossing borders has become itself part of a governing rationality making humanitarianism a necessary strategy of contemporary border and migration governance (Walters, 2011; Ticktin, 2016). In this way, assessing the vulnerability of those crossing into Lesbos from the Turkish coast during the period of this study is a humanitarian gesture that exemplifies this governing rationality. The fourth and final theme I have discussed relates to the transformation of sovereignty at the border, and particularly the ways in which sovereignty is mobilised in order to prevent access to those who seek entry (Jones et al., 2017). Humanitarian interventions that aim at saving lives at sea are such examples of sovereign performances, which move away from traditional spatial forms of state sovereignty. In the context of my research, border enforcement strategies rely not so much on maritime interventions but are rather facilitated by a particular legal geography that that takes shape in the hotspot of Lesbos, an island situated at the edges of EU territory in the South East. In Lesbos, the complex process of filtering, allowing or denying access to mobile populations that constitutes practices of sovereignty, relies largely on administrative decisions taken by those employed in the international administration of the hotspot. The asylum process is precisely a legal and administrative procedure that takes centre stage in the politics of admission at the EU-Turkish border and has included vulnerability assessments as a central aspect following the implementation of the EU-Turkey Agreement.

By critiquing the usefulness of the notion that borders are everywhere in relation to processes of inclusion and exclusion, I have shown that attempts to impose sovereign control over people on the move takes place close to geopolitical borders. For instance, both the imposition of the geographical restriction and the introduction of fast track border procedures discussed in chapter three, were measures taken with the aim of halting mobility from the Greek islands onto the mainland. The admissibility procedure is one invoked near geopolitical borders too. Meanwhile, the borders that matter to those crossing into the island of Lesbos following March 20, 2016 are both physical and phenomenological. Without wanting to underestimate the peril of sea crossings, my study has highlighted the role of the revised asylum procedures in rendering migrants physically present on the island, yet legally unadmitted. Migrants' nationality, their time of crossing and their physical characteristics, which to a large degree have played into the assignation of vulnerability, functioned as barriers to accessing their right to asylum, pointing to the multiplication of boundaries that stem from social categorisations.

This thesis has shown that vulnerability assessments stem both from the legal obligation to identify the vulnerable during the asylum-seeking process and they are at the same time a humanitarian gesture. In doing that I add to a growing number of scholarly studies that see humanitarianism as a constitutive logic of border enforcement (Pallister-Wilkins, 2018b; Walters 2011, Williams, 2011, 2016). Fassin's (2007) assertion that humanitarianism constitutes a governing morality that does not target the population as a whole, but rather targets precarious lives in particular, resonates in the context of contemporary asylum administrations. My critical exploration of legal vulnerability in the Greek asylum process in Lesbos has provided empirical evidence which supports this theorisation.

It has also contributed to these studies by providing a more nuanced understanding of humanitarian morality. In the example of the implementation of the EU-Turkey Agreement, vulnerability thinking becomes a fundamental expression of humanitarian morality. I have shown that the focus on vulnerability entails not only a preoccupation with suffering and victimisation but rather one with entitlement and worthiness, particularly in view of how the legal imperative to protect the vulnerable is actually practised. Consequently, certain vulnerabilities are recognised while others are purposefully or accidentally ignored. It is essential therefore to look at the workings of vulnerability not only as a sub-logic of

humanitarian rationality which seeks to mediate or remedy the violence of borders but also separately, as a notion that resonates within contemporary forms of border and immigration governance more broadly. As I have demonstrated in chapters four and five, vulnerability has entered the vocabulary of humanitarianism to differentiate further between those who deserve empathy and those who deserve legal protection. In this way, I believe we must now understand vulnerability as a type of new humanitarian morality presented in the function of the border, one which introduces entitlement to the business of compassion.

6.2 **Vulnerability in the Greek Asylum Process: findings**

Following a discussion on methods and methodology (chapter two), I have undertaken an exploration of how vulnerability discourses have played out in the current configuration of the EU border regime. I began by problematising the common misconception amongst policy makers and state authorities I interviewed, that 'real' refugees had already crossed during the window of relatively uninhibited mobility in summer and autumn of 2015, arguing that it relies on linear narratives about the origins of refugees and the timeline of the refugee journey excluding alternative temporalities (Kinvall, 2015). The implementation of the EU-Turkey statement, signed in March 2016, was crucial in re-articulating the terms upon which those arriving on the five Aegean hotspot islands were to be allowed access to territory and the asylum process. Evidently, particular contexts, temporalities and locations become instrumental for governing migrants' access to asylum rights. As I argued in the same chapter, the entire long-term project of asylum reform in Greece had been predicated on the political decision to establish the country as a space in which asylum seekers, including the vulnerable ones, can be returned to, as per the Dublin Regulation. This is the manner in which the obligation towards vulnerable asylum seekers has been politically used as a means to push for reforms that would eventually render Greece as a border country responsible for the intake of asylum applicants, spatialising the relationship between the European 'core' and its territorial 'edges'. The ECtHR decision to ban the return of unaccompanied minors to Greece was based on an acknowledgement of their legal precariousness as a group that does not enjoy the same rights as national citizens, indicating a partly relational approach to vulnerability (Peroni &Timmer, 2013). Under the EU-Turkey Agreement, however, asylum seeker vulnerability has become an individualised condition that is retractable and dependent on the whims of immigration case workers. This shows again the importance of

contextualizing and critically interrogating the meaning and use of vulnerability in relation to the management of migration.

In realising the instrumental role of vulnerability within the Greek asylum process at the border, my curiosity was kindled as to how the assessment of vulnerability actually took place (chapter four). More specifically, I turned my attention to the institutions and bureaucracies that materialise the asylum process at the border. While the previous chapter sought to establish the remit of vulnerability within the Greek asylum process, chapter four examined the ways in which the notion is being reworked from the bottom up, through the border work that hotspot actors do. By establishing RICs as the entities responsible for identifying vulnerable individuals including through a medical screening, vulnerability enters for the first time into the formal mechanisms of the state. Analytically, I situated vulnerability assessments in the need to know and control populations and the development of modern administrations and bureaucracies (Foucault, 2007). Importantly, processes of registration and categorisation have been examined by geographers as part and parcel of broader spatial strategies states used to manage populations, themselves rooted in colonialism (Gregory, 1998, 2000; Hannah, 2001). As I have demonstrated, rather than a means to identify those most in need, vulnerability assessments have been used as a tool to establish administrative control over migrants in relation to their distribution within the Greek territory, as well as for the purpose of implementing the EU-Turkey Agreement. In practice, the process of identifying vulnerability involved different stages corresponding to the administrative steps set out in the border procedures and were often at odds with each other. For instance, a medical examination during the registration procedure may have designated an individual with vulnerability whilst the same vulnerability could have been negated during the admissibility interview. At other times, medical examinations never took place at all.

By following each step on the vulnerability assessment chain, I highlighted the competing sovereignties and bureaucratic logics pertaining at the international administration of the hotspot. As I demonstrated, the initial operationalisation of vulnerability rested on the interpretation provided by the first police circular with a restricted number of categories that could be visibly identified, before this document was replaced by the exclusively medical criteria put forward by KEELPNO. Not only did the new criteria result in a wide range of non-visible vulnerabilities being misidentified, but these also split vulnerability into variegated degrees of meaning and severity, twisting the original spirit of vulnerability

ascription. However, instead of prompting for a more rigorous examination and categorisation of invisible vulnerabilities, I have argued that trying to make the concept more inclusive is bound to fail as the deployment of categorical vulnerability is inherently discriminatory (Fineman, 2008). Vulnerability assessments were in this way engaged in mapping individuals in spaces, producing particular truths about an individual's asylum testimony. The final document, agreed among institutional authorities, aimed at producing an interpretation of vulnerability legible to everyone; meanwhile, it resulted in criteria becoming more restrictive in order to ensure a viable way of going forward and implementing asylum procedures in light of the EU-Turkey Agreement.

The proliferation of institutional actors (IGO's and NGO's) in support of activities that the state would otherwise assume is another important finding. As I have argued in chapter four, the extent to which *the welcoming* of asylum seekers materialised in RICs became the central point of contestation among border workers: those affiliated to the state will typically describe their work as involving a duty to welcome the stranger while ensuring the security of citizens, while non-state actors will call on the authorities to show respect for human rights and basic humanitarian standards. While some of these actors are there to ensure the granting of rights, many are occupied with the provision of humanitarian assistance drawing attention to vulnerabilities experienced by refugees and asylum seekers. This applies both to legal case workers who support the vulnerability claims of their clients during the asylum procedures at the border and the medical NGO's who back up claims about medically proven vulnerabilities. Overall my institutional ethnography of vulnerability assessments has pointed to the messy and irregular ways in which law is interpreted by different individuals in service of the state (Das, 2004) and to further the interests of a variety of actors involved in the border regime. I have uncovered new relationships of power that posited doctors at the top of hierarchies of decision on matters of legal substance, evidence which emphasises the incongruous nature of state bureaucracy. Meanwhile, I have argued that this power has not been overwhelming and that migrants had the ability to shape their encounter with sovereign power at the border island.

While vulnerability assessments have been instrumental in reconfiguring the asylum process at the border, this thesis has also engaged with vulnerability more broadly, as a framework under which both economic aid and individuals themselves are administered within the Greek territory (chapter five). It is not only through its judicial interpretation that vulnerability

shapes the lives of asylum seekers in Greece but also vulnerability underwrites a developing moral economy (Fassin, 2009) that generates regimes of value production and exchange. This related to the various actors within the border and migration regime which seek to profit financially or extract value from refugees through exercising compassion (Fassin, 2005; Andersson, 2018). I have argued that such relationships of extraction are enabled by the victimisation of individuals and the reduction of their complex needs and abilities into a label of vulnerability that does not take into account the interaction between individuals and their environment. The denial of the urgency of the migrant body 'waiting to die' in Moria or needing alternative accommodation is one such form of value extraction and exchange, where gendered and cultural biases as well as financial incentives play into the decision of social workers regarding forms of care that can be made available to those who need them, who should feature on the prioritisation lists and who should not. I called these vulnerability economies.

The reception system is a paradigmatic area where vulnerability economies develop and thrive. As I demonstrated in chapter five, it becomes morally acceptable to prioritise assistance, in the form of health care, cash or housing only to the vulnerable instead of everyone. These findings confirm previous studies regarding the production of hierarchies of deservingness that stem out of humanitarian morality (Fassin, 2009). The 'vulnerable refugee' therefore becomes a label that is unevenly distributed. I have offered counter examples of alternative spaces, such as the One Happy Family Day centre in Lesbos or Hotel Plaza in Athens, where prioritisation lists are absent and where refugees engage in horizontal forms of organisation, cooperation and mutual dependency (Mitchell & Sparke, 2018; Squire, 2018). Another aspect of vulnerability economies relates to the idea of the normalisation of the lives of refugees which is rooted, I have argued, within larger moral frameworks currently at play in Greece, namely the need for the country to return to a fiscal and national 'normality'. In this way, the normalisation of refugee lives is envisioned through the provision of urban accommodation and cash assistance and the target is to make them not dependent on humanitarian care. Living in an apartment and being able to use a debit credit means that refugees can behave like rational economic beings, goes the reasoning here. However, the timeframe of stay in the EU-sponsored accommodation scheme is limited and the structural reasons behind asylum seekers and refugee vulnerability remain unaddressed. On the contrary, rules in the EU-sponsored accommodation scheme maintained if not amplified the institutionalised injustices that created vulnerabilities for some in the first place.

One of the examples I gave relates to how destitute unaccompanied minors who live in the parks of major Greek cities are denied priority access to housing as referrals to accommodation may only be made for unaccompanied minors who live in the hotspot camps or are locked up in police cells around the country. In addition, funding conditionality and the difficulty of the Greek administration to manage these funds in light of its own financial woes meant that normalisation required emergency, instead of planned and long- term interventions. Finally, this thesis contributed to literature regarding refugee bioeconomies (Andresson, 2018; Tazziolli, 2019) by claiming that vulnerability economies are spatialised economies. Mainland Greece, I have shown, is discursively produced as a space of normality through its juxtaposition with its border islands. The careful selection of the most vulnerable entitled to be transferred to the mainland where hospital and accommodation services are of higher standard, while those less entitled must remain on the islands where services lag behind.

6.3 **Suggestions for Future Research**

Having summarised the key points of this research and outlined how my main arguments made contributions to relevant academic debates, I will now briefly lay out areas for possible future research.

One of the key messages coming out of the critical border and migration studies scholarship is that border controls result in direct or indirect harm to those who cross them, leaving migrants in a vulnerable position towards the state while at the same time trying to mediate migrant suffering by incorporating humanitarian discourses. But precisely what are refugees, migrants and asylum seekers vulnerable too? In addition, while vulnerability guides the implementation of legal and policy frameworks in addressing specific needs of people on the move, what about the needs that remain unidentified as needs?

As this study has shown, the vulnerability assessment process in Lesbos falls short of identifying a broad spectrum of people environment relations that may be the source of these vulnerabilities or meeting its objectives for higher standard procedural treatment of vulnerable asylum seekers. I addressed how vulnerability is defined in Greek legislation and EU legislation and how decision makers understand it and use it. I found that migrants are vulnerable to the very legal frameworks that seek to address their vulnerability and the whims

of bureaucrats. My research has not however addressed how migrants themselves perceived their precarious position towards the asylum procedure at the border nor the ways in which they responded to these adversities. This is partly caused by the limitations posed by my choice of research approach and my focus on the institutions rather than on refugees. Equally, vulnerability is not found only within CEAS, but it is increasingly emphasized in global and regional legal and policy instruments. This means that there is scope for expanding the geography of this research beyond the EU and include more actors. Understanding how vulnerability is defined in diverse, international legal and policy documents that seek to protect and manage refugees can help better address the strengths and limitations of the concept. Indeed, future research could also focus on how legal frameworks within the EU members states define and address vulnerability and the potential disparities that emerge through the unequal operationalisation of vulnerability within EU member states asylum systems.

Going back to the harmful effects of border controls, my study has focused on the particular consequences that stem out of the implementation of a readmission agreement between EU and Turkey, taking the Greece Turkish border as the site of its implementation. I demonstrated that the Agreement has triggered the emergence of a new legal geography at the border region and that the operationalisation of vulnerability was tightly linked to implementation efforts. Future research could be partly replicated elsewhere to address how the implementation of readmission agreements affect legal frameworks that vow to protect the vulnerable. Besides readmission agreements, a related theme which I believe merits particular attention are the effects of produced by the increasing application of border procedures across EU member states, in relations to migrant, refugee and asylum seeker's mobility as well as access to rights. Expanding the research in this way could help us better understand the specific vulnerabilities caused by legal and administrative frameworks of border controls.

Another theme that emerged in this research is the way in which the vulnerability focus shifts humanitarian morality towards a caring for specific refugee vulnerabilities instead of showing empathy to all refugees equally. As I have shown in the example of the Greek reception system for asylum seekers and refugees, the lack of long-term strategic planning and reliance on emergency humanitarian funding to cover for the housing and health care needs of this population has encouraged the authorities to resort to methods of strict prioritisation which

result in discrimination. Part of this shift in the humanitarian morality responds to the presence of norms around normalisation (of both the country and its inhabitants) as well as political and economic reconfigurations. In particular, I argued that vulnerability economies are moral economies that emerge from the desire to discipline refugees into behaving as rational economic subjects. Future research could pay attention to the ways in which the focus on vulnerability shifts humanitarian morality and its implications for reception systems and refugees themselves beyond Greece.

Epilogue

As I am writing this epilogue in June 2020, the period of my data collection which ended at the beginning of 2019 seems very distant, especially when considering the fast-changing pace of political events. In the second half of 2019, a new Greek government was sworn in and the new European Commission took office. The discourse on island decongestion has become a staple of the new conservative government, Nea Dimokratia. As the party's leader, Kyriakos Mitsotakis, characteristically put it, "the decongestion must happen in the right direction, towards Turkey and not mainland Greece[39]". From Brussels, the new EC leadership continued to hail the success of the EU-Turkey Agreement, and to push for the strengthening of EU borders and for the reform of CEAS – all under the banner of "Promoting Our European Way of Life"[40]. Despite difficulties in implementing returns to Turkey from the Greek islands, the Agreement has been consistently viewed as the most important strategy for slowing the number of new arrivals.

In November 2019, the Greek government voted in changes in asylum law criticised widely by international human rights groups[41] as falling below minimum standards of EU law. According to L4636/2019 vulnerable groups are no longer exempt from the border procedure. In addition, people with post-traumatic stress disorder and survivors of shipwrecks as well as their families no longer fall under the vulnerability categories. Victims of torture as well as

[39] https://int.ert.gr/k-mitsotakis-on-the-refugee-issue-immediate-priority-is-the-decongestion-of-the-islands/

[40] 'Promoting our European ways of life: Protecting our citizens and our values was presented as one of EC's new priority areas of action and includes the topics of security, judicial cooperation, , fundamental rights, consumer protection and migration. https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life_en. Last accessed 29 June 2010.

[41] Amnesty International country report: https://www.amnesty.org/en/countries/europe-and-central-asia/greece/report-greece/. Last accessed online 20 May 2020.

sexual and gender-based violence are required to provide a certification by a registered medical clinic or the national health system, despite the fact that there exist no qualified personnel within the Greek health care system who are formally trained to provide such certificates. In practice, this means that authorities need no longer prioritise the claims of those with special procedural needs nor do they observe the obligation to provide adequate reception conditions. As a result, a larger number of individuals who would otherwise fall under the vulnerability category or would qualify for family reunification under the Dublin Procedure remain in continually deteriorating conditions in the islands.

The new law had additionally institutionalised the already existing practice of obligating the recipients of international or subsidiary protection to leave state/EU funded accommodation, resulting to rising numbers of destitution. An emergency action for accommodation and integration of this group was approved and ran from June 2019 to November 2020. The decision was presented as a solution to the rising accommodation needs resulting from the rapid increase of arrivals in the islands. According to data from the UNHCR, a total of 74,482 individuals arrived in 2019 compared to 50,508 in 2018. By January 2020 the population of Moria rose to 19,000, more than five times its official capacity. The situation was further exacerbated by a decision to withdraw the right to a social security number for applicants of international protection, increasing barriers to accessing health care. Tensions between segments of the local population and the NGO and volunteer communities grew to an unprecedented level. Some of the protests aimed at putting pressure at the government to decongest Moria while others were galvanised by the support of organised far right and nationalist groups. 'One Happy Family', the day centre featured in chapter six of the thesis, suffered an arson attack which destroyed much of its infrastructure. Another arson attack was reported a day later at Stage 2, a camp set up by the UNHCR.

While conditions on the islands continued to deteriorate, in late February 2020 Turkey announced it would no longer try to stop refugees from crossing into Europe, signalling a break with the EU-Turkey Agreement. The announcement resulted in hundreds of migrants rushing to the Greek-Turkish land border. In response, the Greek government deployed police and the army who responded with firing tear-gas and rubber bullets. Overall, the EC stood behind Greece's hostile approach arguing it is acting in defence of its borders, offering additional financial support including a reinforcement of the EU-Border Guard. A month later, on March 26, an emergency decree was approved through the Greek parliament

suspending the asylum procedures for all of those people who have arrived since the beginning of the month, thereby threatening them with deportations without examining asylum cases. Only in May 18, 2020 did the asylum service begin to resume some of its activities, impacted severely by the outbreak of the Covid-19 pandemic.

Following conversations with some of my respondents, the Covid-19 pandemic outbreak is currently being instrumentalised by the Greek government to impose disproportionately harsh measures on migrants. The country's lockdown strategy exacerbated conditions of overcrowding on the islands and the camps in the mainland. Migrants are not allowed to leave the camps, unless they receive written permission by the police, even if they display symptoms of the disease, while basic hygiene conditions are not met. Social distancing is practically impossible, particularly since the majority of camp residents are required to queue for hours in order to receive their daily food portions. In addition, the newly arrived in Lesbos are immediately detained at the port. No transfers between the islands and the Greek mainland had taken place during this period.

As this brief update suggests, recent political events have impacted directly on the treatment of vulnerable individuals and their identification. Whilst the previous Greek government had instrumentalised vulnerability as a humanitarian strategy for addressing the admissibility of asylum applications and overcrowding on the islands, the new government has turned vulnerability into a threat to its immigration enforcement objectives. Meanwhile, the fragmentation into degrees of medium and high vulnerability consolidated in the second half of 2018 had circumscribed the figure of the vulnerable asylum seeker even further, creating additional layers of deservingness. Indeed, as the needs of asylum seekers grew exponentially, the number of those identified as vulnerable for the purpose of the asylum process shrank, while those with medium vulnerability multiplied without however the state meeting their basic care needs. By associating vulnerability with the right to international protection the hotspot's international administration made access to asylum even more restrictive. Meanwhile asylum seeking has been increasingly criminalised. Not only does the new Greek legislation derogate asylum seekers rights, but the decision to suspend asylum procedures for those entering the country during the past few months has given a clear message to all newcomers that they will not benefit from the protection of international or domestic law. The global pandemic has exposed not only the vulnerabilities of European national health systems and the inability of EU countries to respond collectively to this

challenge, but also, in some cases, the unjustified use of restrictive measures on the pretext of public health concerns. Asylum seekers and refugees are particularly at risk of being harmed by such approaches. It is now more pertinent than ever to direct critical research into the political decisions that reproduce vulnerabilities for these groups and to think of ways to counter the non-relational ascription of vulnerability with a meaningful discussion about the nature of refugee and asylum seeker's precariousness.

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ANNEX A

Internal Policy Brief 2 March 2018

CHANGE OF POLICY REGARDING VULNERABILITY ASSESSMENTS IN LESBOS

A new and concerning policy regarding the vulnerability assessments of asylum seekers is being implemented in Lesbos since the end of January 2018.

Introduction of a new medical form by KEELPNO classifying the severity of vulnerabilities

The traditional one-page vulnerability form used by KEELPNO[1] to assess asylum seekers' vulnerability after their medical screening, was replaced, on 6 December 2017, by a new 3-page "*medical and psychosocial assessment form*". Whereas, in the past, KEELPNO's doctors used to write "YES" or "NO" in the vulnerability box, they are now required to fill a more detailed template classifying vulnerable asylum seekers.

The new form first lists 6 groups of vulnerable persons corresponding to the legal definition provided in article 14(8) of Greek law 4375/2016[2]:

	IDENTIFIED FORMS OF VULNERABILITY[3] (according to Greek law 4375/2016)		
1	UAM/separated child		
2	Person with incurable disease Person with serious disease Person with disabilities		
3	Elderly person		
4	Pregnant woman /	woman who recently gave birth	
5	One parent family with underage children		
6	Victim of torture Victim of sexual exploitation SGBV victim Persons with PTSD Wreck survivors Relatives of wreck victims THB victim		

After having identified a vulnerable person based on this list, the new template requires KEELPNO's doctors to classify vulnerable individuals into two categories, A or B, depending on the level of severity of their vulnerability. KEELPNO's form provides the following explanations for each category:

[1] KEELPNO is the Ministry of Health's Center for Disease Control and Prevention in charge of medical screenings at First Reception and Identification Centers.

[2] Article 14(8) of Law 4375/2016, defines vulnerable groups as follows: "*a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims* of *torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings.*"

[3] Translation of KEELPNO's new template (original in Greek).

- ● Category A or "*medium vulnerability*" category is meant to include vulnerable individuals for which a "*significant vulnerability could develop without preventative support measures*" and for which "*frequent monitoring of vulnerability status is recommended*".
- ● Category B or "*high vulnerability*" category includes vulnerable individuals for which "*significant vulnerability is evident. Follow up assessment and development of a care plan is recommended. Reference should be made to the immediate need of support*".

NGOs were first told that this classification in category A or B was strictly medical and adopted to provide a better response to the different protection needs of vulnerable beneficiaries according to the severity of their vulnerability. However, it is now used by the asylum service as a criterion with legal consequences on the asylum procedure and the rights of vulnerable beneficiaries.

Asylum seekers classified as "medium vulnerable" are no longer considered as vulnerable individuals by the asylum service

On 29 or 30 January 2018, a meeting was held in Lesbos among KEELPNO, RIC[4] and RAO[5], during which the RIC Commander, Mr. Balpakakis[6], allegedly decided that RIC will no longer upload automatically to the POL database[7] vulnerability cases that were characterized as „medium" (or category A) by KEELPNO, but only the „high" level ones (or category B). As confirmed by legal actors, this means in practice that asylum seekers classified by KEELPNO under the category A or "medium vulnerability" category, are no longer considered as a vulnerable individuals by the asylum service.

This policy was decided and implemented without any transparency or consultation of the stakeholders and has an impact on the asylum procedure of beneficiaries. Under Article 60 (4) (f) of Greek Law 4375/2016, vulnerable asylum seekers are subject to the normal asylum procedure and exempted from the border procedure implemented in the hotspots[8]. This means, in practice, that vulnerable asylum seekers do not have to go through a preliminary interview with EASO[9] examining the admissibility of their asylum claim and go instead straight to their eligibility interview with the Greek Asylum Service, which proceeds with the substantive examination of their asylum applications.

During the Protection Working Group of 7 February 2018, KEELPNO mentioned that they would raise this issue with KEELPNO and RIS in Athens in order to apply a common practice in all Reception and Identification Centres in Greece. UNHCR called to a meeting with RIC, RAO, EASO and KEELPNO to discuss this issue, which took place on 15 February 2018. However, no clear decision was made public after these meeting and legal partners have noticed that the policy continues to be implemented.

Protection and legal actors are very concerned by this practice which must already have impacted numerous asylum seekers. Although it is for now not possible to estimate how many beneficiaries have been classified in Category A, some legal actors consider that, in practice, 80% of the vulnerable beneficiaries (in application of article 14(8)) would now fall under the category A or "medium vulnerability", and therefore no longer be considered as vulnerable asylum seekers by the asylum service.

Together with the legal and medical actors we met so far, the following concerns were mapped out.

Main concerns raised by legal, medical and protection actors.

● **This new policy is unlawful** as it modifies and narrows the existing legal definition of "vulnerability" provided under article 14(8) of Law 4375/2016. Greek law expressly provides protection for vulnerable individuals based on the origin of the vulnerability, and regardless of the level of severity of such vulnerability. Hence, a victim of torture or a SGBV victim are *de facto* vulnerable individuals, without consideration of the degree of their vulnerability, just like a pregnant woman is considered vulnerable because of her pregnancy. A person might not have a severe medical vulnerability but should nevertheless be considered vulnerable for the purposes of the exemption from the border procedure. Legal actors have already identified cases of VoT and SGBV victims classified as category A or "medium vulnerable" and not being uploaded in the POL database as vulnerable cases. Legal actors have tried to overturn the category A classification in these cases. However, it appears that no one, among RIC, EASO, and KEELPNO is officially taking responsibility for this new policy. It is unclear whether KEELPNO's doctors are even aware of the legal consequences currently given to their medical assessments. This policy was adopted by local authorities without any power or authority to do so and is until now being implemented without transparency.

● As a result of this new policy, **EASO is taking an increased role in the asylum procedure, as it will now conduct interviews of vulnerable people** (classified by KEELPNO as "medium vulnerable"). This raises several legal, medical and protection issues. First, EASO's officers do not have the legal authority or mandate to assess asylum seekers considered vulnerable under article 14(8) of Law 4375/2016. In addition, it is questionable whether EASO's officers and vulnerability experts are qualified to handle vulnerable cases and, in particular, to implement the Istanbul Protocol[10]. Finally, it is uncertain whether EASO has the staff capacity and sufficient vulnerability experts to carry out such assessments. During the Legal Working Group of 12 February 2018, EASO's field coordinator explained that a vulnerable person can always say that he or she is vulnerable during his/her admissibility interview with EASO, without providing further evidence, and that a "vulnerability expert" will then take in charge the assessment during the interview. However, in practice, it is always under EASO case officers' full discretion to consult a vulnerability expert or not during an admissibility interview. The European Centre for Constitutional and Human Rights, which filed a complaint to the European Ombudsman against EASO's involvement in admissibility decisions, considered that interviews conducted by EASO officers do not allow for a fair and individualized assessment: "*EASO officers often stick to a rigid questionnaire without giving the applicant sufficient opportunity to elaborate on their personal history of harm or persecution. Interviews consist of an overwhelming number of closed questions, the inappropriate use of suggestive questions, and a failure to ask follow-up questions concerning the vulnerability of the applicant*."[11] Hence, the new policy implemented in Lesbos unlawfully bypasses the existing legal safeguards for vulnerable individuals and opens the door to wrong assessments. It will ultimately reduce the number of asylum seekers held vulnerable in application of the law and might lead to return vulnerable individuals to Turkey.

[4] RIC refers to the First Reception and Identification Centre. [5] RAO refers to the Regional asylum office.

[6] This information was provided during the PWG of 7 February and Legal Coordination Meeting of 12 February 2018.
[7] The "POL database" is the Police Online database shared by the Reception and Identification Service and the Regional Asylum Office.
[8] "*vulnerable persons under Article 14 paragraph 8 of this law* ***shall be exempted from the*** **[border]** ***procedures***". [9] EASO refers to European Asylum Support Office.

- As this new policy is forcing vulnerable asylum seekers to go through an admissibility interview with EASO, it also raises medical concerns. In particular for people with PTSD who will have to go through additional interviews and examination (with KEELPNO, then

EASO, and then potentially EASO's vulnerability expert, and finally GAS) and risk re-traumatization.

- This new policy will make the vulnerability assessment of people in detention even harder than it is now, as they have already less or no access to psychologists, doctors, interpreters and lawyers.

● Another **consequence of this new policy relates to the geographical restriction** imposed to most of the asylum seekers arriving in the Greek islands and subject to the border

- procedure. As a result of the new policy, asylum seekers classified as "medium" vulnerable by KEELPNO will no longer be sent to the mainland, like any other vulnerable individual, but will be forced to stay in the hotspot without seeing their geographical restriction lifted. Given the length of the border procedure and the conditions of living in Lesbos' hotspot, those vulnerable individuals are likely to see their vulnerability increased (worsening of their mental health and physical health conditions), which raises medical and protection issues. If this policy continues to be implemented on a longer-term, it also means that more asylum seekers will be stranded in the hotspot of Lesbos, increasing the length of the asylum procedure and decreasing the general living conditions. Many asylum seekers might also request a new vulnerability assessment to KEELPNO.

● As far as we know, up to date this policy was **only applied in Lesbos**[12]. It is unclear whether this new policy is a local or central decision. If, on the one hand, it is a local decision, it eventually creates different border procedures in different hotspots and has no legal ground or justification whatsoever. If, on the other hand, this is a central decision, it might be some kind of 'pilot project' on Lesbos, testing how to minimize the number of vulnerable cases and send more asylum seekers back to Turkey.

● Apart from the short explanation of category A and B provided in KEELPNO's form (see above), **there is no clear threshold differentiating category A from B**. It appears that KEELPNO is currently categorizing asylum seekers in the one or the other category based on the visibility of the vulnerability rather than on its severity. During the Protection Working Group of 7 Februarys 2018, KEELPNO explained that vulnerable asylum seekers were classified under category A ("medium vulnerability"), when they had no clear physical signs of vulnerability, and under category B ("high vulnerability") when they had clear physical signs of vulnerability. Therefore, it appears that asylum seekers with "invisible" mental health conditions, PTSD, victims of torture, SGBV victims etc. are falling within the category A/" medium vulnerability" and are no longer considered as vulnerable by the asylum service, **except if they have suicidal thoughts**. KEELPNO will come to the next Legal Working Group on Monday 12 March to explain its position. The classification of severity by KEELPNO raises further medical concerns because KEELPNO's doctors do not possess the expertise and competence to assess all medical and psychosocial vulnerabilities, like SGBV and Victims of Torture. It appears that KEELPNO has only one psychologist in the Reception and Identification Centre.

[10] The "Istanbul Protocol" or "*Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"* is the United Nations standard for training in the assessment of persons who allege torture and ill treatment, for investigating cases of alleged torture, and for reporting such findings to the judiciary and any other investigative body.

[11] https://www.ecchr.eu/en/international-crimes-and-accountability/migration/greek-hotspots.html

[12] In Chios, the same form has been introduced by KEELPNO but "medium vulnerable" individuals are still

considered as vulnerable individuals by the asylum service. In Samos, the former KEELPNO's template with YES or NO is still used.