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Governing Asylum Seekers
Logistics, Differentiation, and Failure in the European
Union's Reception Regime

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Declaration/Inclusion of Published Work

This thesis is entirely my own work and no portion of it has been submitted in support of an application for another degree or qualification at this or any other university or other institute of learning.

Some small parts of Chapter 5 and 6 are currently under review for publication in a journal article.

Abstract

This thesis investigates the complex and heterogeneous regime of government resulting from the failure of the EU attempts to govern asylum seekers through the Dublin system and the harmonisation of reception conditions. Combining the analytical perspective of governmentality with a regime analysis which resembles those proposed by critical migration studies, the thesis aims to identify features and functioning of a possible EU government of asylum seekers, which is defined as EU reception regime. Through a rich empirical study primarily based on semi-structured interviews with a range of different actors in several contexts in Italy and Sweden, three key modes of operation of the regime are identified, which are: logistics, differentiation, and failure. Logistics denotes an increasing importance of operational and organisational concerns in the reception of asylum seekers, which pave the way to the commodification of reception and transform the regime into a reception industry. Differentiation concerns a mode of governing asylum seekers based on the arbitrary multiplication of treatments, conditions, and experiences, across as well as within states, which therefore makes the regime work as a reception roulette. Finally, failure is a key aspect of the regime which is both intrinsic to its functioning and productive, thus making the regime operate as a reception *dispositif*. In particular, the thesis shows how the failure of the regime to limit movements ends up “illegalising” them and consequently fostering conditions of invisibility, disposability, and vulnerability. In this way, it is argued, the EU reception regime assures an unlimited supply of cheap, precarious, and vulnerable labour for member states’ economies, thus allowing the incorporation of reception into the neoliberal logic of valorisation of mobility which informs the EU politics of migration management.

List of Abbreviations

ABO	<i>Anläggningsboende</i> (Facility accommodation)
AMIF	Asylum, Migration and Integration Fund
ANCI	<i>Associazione Nazionale Comuni Italiani</i> (National Association of Italian Municipalities)
ASGI	<i>Associazione per gli Studi Giuridici sull'Immigrazione</i> (Association for Juridical Studies on Immigration)
CADA	<i>Centre d'accueil des demandeurs d'asile</i> (French reception centre)
CARA	<i>Centro di accoglienza per richiedenti asilo</i> (Reception centre for asylum seekers)
CAS	<i>Centro di accoglienza straordinaria</i> (Italian extraordinary reception centre)
CDA	<i>Centro di accoglienza</i> (Italian governmental reception centre)
CEAS	Common European Asylum System
CFSP	Common Foreign and Security Policy
CIC	Department of Citizenship and Immigration Canada
CIE	<i>Centro di identificazione ed espulsione</i> (Italian identification and expulsion centre)
COI	Country of Origin Information
CPSA	<i>Centro di primo soccorso e accoglienza</i> (Italian first aid and reception centre)
CJEU	Court of Justice of the European Union
EASO	European Asylum Support Office
EBO	<i>Eget boende</i> (Private accommodation)
ECRE	European Council on Refugees and Exiles
ECSC	European Coal and Steel Community
EEC	European Economic Community
EFDD	Europe of Freedom and Direct Democracy Group in the European Parliament
EIF	European Fund for the Integration of Third-Country Nationals
EMN	European Migration Network
ERF	European Refugee Fund
EU	European Union

EURATOM	European Atomic Energy Community
EUROJUST	European Union's Judicial Cooperation Unit
EUROPOL	European Police Office
FARR	<i>Flyktinggruppernas Riksråd</i> (National Network of Refugee Support Groups)
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GDP	Gross Domestic Product
GUE/NGL	European United Left/Nordic Green Left European Parliamentary Group
IOM	International Organisation for Migration
JHA	Justice and Home Affairs
MEP	Member of the European Parliament
MSF	<i>Medici Senza Frontiere</i> (Doctors without Borders)
NGO	Non-Governmental Organisation
RCD 2003	Council Directive (2003/9/EC) of 27 January 2003 laying down minimum standards for the reception of asylum seekers
RCD 2013	Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)
QMV	Qualified Majority Voting
S&D	Group of the Progressive Alliance of Socialists & Democrats in the European Parliament
SEM	Single European Market
SIULP	<i>Sindacato Italiano Unitario Lavoratori Polizia</i> (Italian Unitary Trade Union for Police Officers)
SPRAR	<i>Sistema di Protezione per Richiedenti Asilo e Rifugiati</i> (Italian System for the Protection of Asylum seekers and Refugees)
UNHCR	United Nations High Commissioner for Refugees

Introduction

The management of asylum, migration, and border controls is currently a key question around which the future configuration of the European Union (EU) and the project of unity and integration that underpins it seem to rest on. While certainly important since the decision to create a common market,¹ these issues have acquired heightened attention alongside the so-called “refugee crisis”,² which exposed the scope of disagreement among member states and between them and the European Commission (hereafter the Commission),³ as well as the consequent piecemeal approach to policymaking in this field. Besides highlighting the weaknesses of the EU, the “refugee crisis” also brought to light that risks and distress do not end once migrants arrive in the EU, but rather characterise their experiences even in the presumed civilised space of EU member states. Indeed, while the Mediterranean Sea has continued to be the backdrop of deadly shipwrecks, hostility from governmental authorities and inadequacy of institutional responses confined a significant number of people to conditions of abandonment and marginality across the EU. Yet, despite life-threatening journeys, increasing border controls, and dire conditions of transit and reception, migrants’ movements have not stopped. The case of the so-called “Jungle camp” near Calais (France) is paradigmatic in this respect as it emphasises both the hardships which migrants might go through in a EU country and the persistence of their attempts to move nonetheless (Ansems de Vries 2016).

Two years after the “refugee crisis”, the situation is at a turning point in which the warfare deployed by the EU and its member states against migrants is at one of its most extreme manifestations. Now that the so-called “Balkan route” has almost been blocked by the EU-Turkey agreement, which provides for the fast-track return of

¹ The creation of a common market was the key objective of the Treaty of Rome (Treaty establishing the European Economic Community) which created the European Economic Community (EEC) in March 1957.

² The expression “refugee crisis” is in inverted commas throughout the text in order to stress the discursive devices through which the “crisis” is literally constructed in opposition to an alleged “normal” state of affairs. The reason why the term “crisis” is not in inverted commas is merely graphic and intended not to make the text too heavy and difficult to read. However, Chapter 4 problematises the notion of crisis and explores its implications with respect to reception.

³ With the entry into force of the Treaty of Lisbon on 1st December 2009, the Commission of the European Communities was renamed the European Commission in line with the abolition of the pillar system, which is explained in the following pages. For the sake of simplicity, the thesis adopts the term Commission to identify both institutions.

migrants arriving to Greece from Turkey,⁴ the “battle” has moved to the Central Mediterranean which was the point of entry for around 181,000 migrants in 2016.⁵ The objective of the EU and its member states is therefore to obstruct such route by any means necessary, as it was made clear by two interrelated measures that were adopted not long before the completion of this thesis.

The first measure consists in an Italian naval mission in Libyan waters aimed at supporting Libya’s coastguard to block migrants and return them to the north-African country (Balmer 2017). The mission, which is part of a broader EU’s strategy to strengthen Libya’s capacity to manage migration (Statewatch 2017), primarily involves logistical, technical and operational support. The second measure concerns the tightening of controls on non-governmental organisations (NGOs) carrying out search and rescue operations in the Mediterranean Sea, which are now required to sign a code of conduct outlined by the Italian government upon request from the Commission (European Commission 2017). Even if it is soon to fully grasp the consequences of this measure, it can nonetheless be situated within a broader attempt to weaken NGOs’ autonomy in the Mediterranean, as they have increasingly been blamed for representing a “pull factor” for migrants (Frontex 2017).⁶ Indeed, the release of the code of conduct was accompanied by the quasi-simultaneous seizure of the rescue ship operated by the German NGO *Jugend Rettet*, following an inquiry about its alleged contacts with smugglers (Agence France-Presse 2017).

As these two examples demonstrate, to speak of a warfare against migrants is not just a metaphor, but it captures an increasingly militarised approach to migration management (Garelli & Tazzioli 2016c), which is based on the effort to deter as many migrants as possible from reaching the EU. It is such a shifting and contested framework that provides the context for this thesis, which focuses specifically on what happens to those who manage to make it to a EU member state. Given that applying

⁴ The EU-Turkey Statement was signed on 18th March 2016 and provides for the return to Turkey of all migrants “irregularly” arriving on Greek islands or intercepted in the Aegean Sea, who do not want to apply for asylum in Greece or whose claim is deemed inadmissible. For each Syrian returned to Turkey, a Syrian refugee is resettled from Turkey to a EU member state.

⁵ Update arrival figures are available at the Operational Portal of the United Nations High Commissioner for Refugees (UNHCR): <https://data2.unhcr.org/en/situations/mediterranean/location/5205>

⁶ An important counterargument is proposed by Charles Heller and Lorenzo Pezzani in the report *Blaming the Rescuers* (2017).

for asylum is the only possibility that these people are granted to regularise their position once in the EU, the thesis thus focuses on the specific aspect of the EU politics of migration management that concerns asylum seekers, that is reception. Indeed, EU member states are required to accommodate and provide support to asylum seekers until a definitive decision on their claim is adopted.

Accordingly, the thesis mainly refers to “asylum seekers”, even if this term runs the risk of reifying the suspended and temporary condition of those who are waiting for a decision on their asylum application (Gill 2009a). Unfortunately, the more comprehensive term “migrant” would have been inaccurate and even misleading in a study of reception policies and practices. Yet, as the thesis understands reception as a form of government whose effects extend through time, the expression “beneficiaries of international protection” is also used when referring to those who are granted refugee status or subsidiary protection or a form of protection based on humanitarian grounds. On some occasions, the term “migrant” is used to also include people who are neither asylum seekers nor beneficiaries of international protection, such as rejected asylum seekers, people who become “irregular” for other reasons, and people who have not claimed asylum yet.

At the same time, however, it is necessary to stress that all these categories are an outcome of a precise entanglement between relations of power and forms of knowledge, which frames some types of movements as migrations – either forced or voluntary – that need to be governed accordingly (Tazzioli 2015a, pp. xvi-xix).⁷ This is in turn the effect of a world organised according to the model of nation-states which are territorially delimited by borders (De Genova 2015). Techniques of bordering filter between legitimate and illegitimate forms of movement, thus framing the latter as “illegal” types of mobility. Therefore, “illegality” is not a natural fact and it is rather the effect of bordering practices, or indeed the product of laws themselves (De Genova 2002). For these reasons, the words “illegal”, “legal”, and “irregular” are in inverted commas throughout the text to emphasise the artificial character of such conditions. Along the same line, the thesis also speaks of processes of “illegalisation” and “irregularisation” through which migrants are made “illegal”.

⁷ I could have indeed placed all categories in inverted commas, but I preferred not to do it as that would have made the text too heavy.

When my research project started around four years ago, one could have barely imagined that so many developments were about to happen in such a short period of time. However, at that time already, it was possible to diagnose some of the tensions characterising the approach of the EU to the reception of asylum seekers, which have literally exploded in the last couple of years, leading to the situation of today. I had the opportunity to observe such tensions quite closely while employed by a social cooperative which provides support to asylum seekers and beneficiaries of international protection in an Italian town. It was this two-and-a-half-year experience which inspired the conception of the thesis and sparked my interest on the complexities and incoherencies of the mechanisms of power targeting asylum seekers and beneficiaries of international protection in the EU.

An issue, in particular, struck me during my work experience and therefore represents the main research puzzle from which the thesis has developed. The issue I am referring to consists in the obstinacy with which two main pillars of the EU asylum policy were maintained despite their evident failure to deliver the outcomes for which they had been created. As the thesis will demonstrate, these pillars still underpin the approach in this area even if the “refugee crisis” further exacerbated their inadequacy. These two pillars are the so-called “Dublin system” and the policy of harmonisation of reception conditions between member states, and their respective failure is explored in Chapter 6 and 5. The first pillar is supposed to limit asylum seekers’ mobility by imposing the first country of entry in the EU⁸ as the one that is responsible for an asylum application, while the second aims to create a level playing field which provide the same conditions to all asylum seekers across the EU.

The research puzzle derives precisely from the discrepancy between the different temporalities underpinning the two pillars. Indeed, the goal of the harmonisation of reception conditions refers to a process whose possible conclusion is deferred to an undetermined future, whereas the temporality of the Dublin system is immediate, *but* at the same time premised upon the success of the process of harmonisation. To put it clearly, the level playing field, in which asylum seekers are supposedly treated equally

⁸ The system also includes non-EU countries like Iceland, Norway and Switzerland.

and fairly regardless of the location, is simultaneously the objective of the CEAS and the prerequisite upon which it is implicitly based. Indeed, as contexts of reception are presumed to be equivalent across the EU, the destination is imposed on asylum seekers through the Dublin system or through the relocation mechanisms adopted in the wake of the European Agenda on Migration (European Commission 2015a), as Chapter 5 argues.

Inevitably, this produces some tensions in the ways in which asylum seekers are governed in the EU, which I decided to explore more carefully. Starting from this realisation, the thesis asks what regime of governing asylum seekers emerge from the failures and tensions characterising EU policies in this domain. In other words, the thesis interrogates the failure of the EU attempts to govern asylum seekers through the Dublin system and the harmonisation of reception conditions, as well as the resulting regime of government. These are the key research concerns of this study, which in turn provide an entry point to the broader question about the analytical tenability of the idea of a EU government of asylum seekers and its possible distinctive features.

The emphasis on the peculiarities and functioning of a possible EU *government* of asylum seekers draws attention to the influence of Michel Foucault on the thesis, and more specifically his work on governmentality which is introduced in Chapter 2. In this perspective, the study of reception practices, forms of knowledge underpinning them, and mechanisms of control, as well as their relative failures, is situated within a broader configuration of power, the identification of which is precisely the objective of the analysis. Therefore, the investigation of different issues concerning the management of asylum seekers in diverse contexts across the EU is not meant to highlight the specificity of each issue or context studied. The purpose is rather to connect localised practices and trends in order to ascribe them to a broader apparatus of power targeting asylum seekers in the EU. The aim of the thesis is precisely to locate the possible modes of operation of such an apparatus of power, which is defined as EU reception regime in Chapter 3.

1. HISTORICAL BACKGROUND

Prior to the discussion of the ways in which the above-mentioned research objectives informed the analytical approach and the research design of the thesis, it is necessary to provide some historical background on the Common European Asylum System (CEAS). Even if EU policies in the field will be further explored in the substantive chapters of the thesis, some preliminary clarifications are needed here as they establish the overall institutional and policy framework in which the issues that the thesis investigates are situated. This section describes such a framework by introducing the two pillars of the EU asylum policy which I briefly sketched out above: the Dublin system and the policy of harmonisation of reception conditions.

*The Dublin System: Rebordering Asylum Seekers in the New Borderless Area*⁹

The beginning of cooperation in the field of migration and asylum policies is commonly identified as being in mid- to late- 1980s, as a result of the efforts to form a Single European Market (SEM) based on the free movement of capitals, goods, services, and people.¹⁰ On the 14th of June 1985, in the border village of Schengen, in Luxembourg, the representatives of Belgium, France, Luxembourg, the Netherlands, and West Germany signed an agreement whose goal was the creation of an area of free movement of persons across their territories.¹¹ Five years later, the Schengen Implementing Convention defined measures to harmonise visa policies and gradually abolish “internal” border controls by transferring them to the common “external” borders.¹² These measures then entered into force in 1995. Put together, the Schengen Agreement and the related Implementing Convention constitute the Schengen *acquis*, which is made by the set of acts intended to regulate the movement of people within the Schengen area.¹³ Initially developed outside the framework of the EU, the

⁹ For a thorough investigation of the Dublin system, see Mouzourakis (2014).

¹⁰ The aim of establishing a single market was defined by the Single European Act (SEA), which was signed in February 1986 and represented the first substantial revision to the Treaty of Rome.

¹¹ Agreement between the governments of the states of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

¹² Convention Implementing the Schengen Agreement of 14 June 1985 between the governments of the states of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

¹³ Council Decision of 20 May 1999 concerning the definition of the Schengen *acquis* for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European

Schengen *acquis* was then incorporated into the EU legal framework by the Treaty of Amsterdam in 1999.¹⁴

The creation of an area of free movement opened the space for a new field of intervention for the EU, which goes under the name of area of Justice and Home Affairs (JHA). This area includes a range of domains that started to be perceived as increasingly relevant for safeguarding the security of the borderless EU space, such as judicial cooperation, migration, asylum, border management, and police cooperation (Monar 2001). Hence, the creation of the Schengen area provided the conditions of possibility for framing asylum as an issue requiring a common response. However, the response was immediately defined in securitarian terms as the inclusion of asylum in the JHA rather than in other policy fields, such as rights or social policy, demonstrates. In this way, asylum was conceived as an aspect of the broader goal of securitising the new single market and this has had an impact on the ways in which the reception of asylum seekers has taken place in the EU.

In fact, cooperation on reception policies developed as a side issue in relation to other concerns that were more popular between the late 1980s and early 1990s. In this period, and especially after the end of the Cold War, asylum seekers began to be seen increasingly as a burden and framed as “bogus applicants” willing to exploit the welfare systems of northern and western European countries (Geddes 2002). As a result, one of the first issues that member states decided to address together in the domain of asylum was the management of asylum seekers’ mobility in the new borderless area. This was achieved through the Dublin Convention¹⁵ on the criteria for determining the state responsible for an asylum application, which was adopted in 1990 and then came into force on 1st September 1997.

Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the *acquis*. The *acquis communautaire* is defined by the EU glossary as “the body of common rights and obligations that are binding on all EU countries, as EU members”, see: <http://eur-lex.europa.eu/summary/glossary/acquis.html>

¹⁴ Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (97/C 340/01).

¹⁵ Convention determining the state responsible for examining applications for asylum lodged in one of the member states of the European Communities (97/C 254/01).

The Dublin Convention is certainly one of the key pillars of the entire EU asylum policy given that the principles upon which it is based have been preserved in all the following reforms until today. It is precisely because of such continuity that the notion of “Dublin system” is commonly adopted, even in EU documents, to refer to the principle of allocation of responsibility to the first country of entry. Indeed, the Convention became legally binding in the EU legal framework through the adoption of the so-called Dublin II regulation¹⁶ in 2003. After that, the 2013 recast regulation,¹⁷ also known as Dublin III, did not modify the overall rationale defined in the Convention. Neither did it the recent proposal for a further reform of the regulation,¹⁸ which leaves the responsibility for an asylum application to the first country of entry, apart from so-called cases of “disproportionate pressure”, in which a corrective allocation mechanism is introduced to ensure a fair sharing of responsibilities between member states. The number of applications is considered “disproportionate” when it exceeds 150% of a quota that is calculated in relation to the size of the population and the gross domestic product of each member state. The reform proposal provides for the relocation of asylum seekers whose applications exceed the national limit.

The Dublin system is based on three main principles (Guild 2006, p. 637). The first principle concerns the mutual recognition of rejected asylum applications, which notably is *not* complemented by an equivalent mutual recognition of positive asylum decisions. This is an extremely important feature which extends the effects of the regulation well beyond the end of the asylum process, as I will discuss in Chapter 5. Given that the Schengen Borders Code¹⁹ only allows beneficiaries of international protection to move in the Schengen area for a maximum period of three months, the

¹⁶ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member state by a third-country national.

¹⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

¹⁸ Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (2016/0133/COD).

¹⁹ “Schengen Borders Code”, Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across border (codification).

lack of mutual recognition of positive decisions translates to the obligation to remain in the first country of entry even after the granting of protection.

The second principle grants member states the power to decide where an application should be examined, and thus denies this possibility to asylum seekers. This decision is organised around the above-mentioned principle of the first country of entry which is the one in charge of fingerprinting migrants and registering asylum applications. Through the principle of the first country of entry, the Dublin system connects the responsibility for the examination of an asylum application to the responsibility to protect one's external borders. This is precisely the third principle, which attributes the responsibility for the examination of the asylum application to the state which allowed the asylum seeker to enter the EU. Accordingly, the state "at fault" is also the one charged with the responsibility to receive and support the asylum seeker during the processing time.

The rationale of the Dublin system is therefore twofold. On the one hand, it aims to prevent so-called "asylum shopping", whereby this expression describes the multiple asylum applications lodged by a single individual in different member states. On the other hand, the goal of the Dublin system is to reduce uncontrolled circulation of asylum seekers by preventing them from deciding where to lodge their claim and consequently where to be received. Hence, it can be argued that the Dublin system determines the exclusion of asylum seekers and beneficiaries of international protection from the right to move and settle freely in the Schengen area. For this reason, Elspeth Guild describes the EU as a "territorial integration project which is hostile to refugees" (2006, p. 634). In fact, the Dublin system has compensated the removal of internal border controls with forms of rebordering specifically addressed to asylum seekers and beneficiaries of international protection (Guild 2006). This shows that the supposed smooth and integrated area of free movement is rather promoting the mobility of some groups of people, while simultaneously constraining the mobility of others. In this way, it becomes evident that mobility is a key instrument through which people's enjoyment of the rights connected to the single market is governed.

Having said that, my previous work experience in the field of reception made me aware of the weaknesses of the Dublin system, which then came to light with an extraordinary intensity during the “refugee crisis”. The decision made by some of the asylum seekers and beneficiaries of international protection whom I met, who left the support program and Italy despite the limitations on their freedom of movement, showed me that movements occur notwithstanding the Dublin regulation. Sometimes people left because of the lack of prospects for them in Italy, which was often described as a “cage” in which they were “trapped”. But the reasons for subverting the Dublin system were multiple and are not reducible to mere consequences of push and pull factors, as the perspective of the autonomy of migration has emphasised (Mezzadra 2004; 2011; Papadopoulos, Stephenson & Tsianos 2008; Papadopoulos & Tsianos 2013; Scheel 2013).

In this perspective, to which this thesis contributes by focusing on the specific aspect of reception, movements are rather the expression of subjective practices which exceed the attempts to control them and represent forms of struggle against the mechanisms of management of mobility (Tazzioli et al 2015). It is therefore an approach that points to the excessive character of movements, which is explored in Chapter 6, thereby calling into question the very foundation of the Dublin system which assumes that asylum seekers and beneficiaries of international protection are governable, passive objects of policies. By adopting such approach, the thesis is also critical of some legal and institutional analyses which reproduce the same objectification of asylum seekers, as I will clarify in Chapter 1.

*The Harmonisation of Reception Conditions*²⁰

While the first talks on the harmonisation of measures in the field of asylum can be traced back to the 1970s, in the context of the negotiations on the abolition of internal

²⁰ An account of the policy developments after the Treaty of Lisbon and the Stockholm Programme is provided by Christian Kaunert and Sarah Léonard (2012b), while Jörg Monar offers periodic updates on new measures in the area of JHA (2000; 2013; 2015; 2017). For a comprehensive analysis and commentary of EU asylum law adopted until September 2011, see Peers, Moreno-Lax, Garlick and Guild (2015). A critical examination of the second phase of the Common European Asylum System, thus including legal instruments adopted after September 2011, is provided by Chetail, De Bruycker, and Maiani (2016). For further readings on EU policymaking as well as on the functioning and organisation of the EU, see McCormick (2015) and Nugent (2010).

borders (Moreno-Lax 2014, p. 149), the official beginning of the process of harmonisation is commonly considered to be the European Council meeting of Tampere on 15th and 16th October 1999. Here, following the request of the Treaty of Amsterdam to adopt common minimum standards on several aspects of asylum policy,²¹ the representatives of the member states announced the ambition to create a Common European Asylum System (CEAS) based on the “full and inclusive application of the Geneva Convention” (European Council 1999, p. 4). The Tampere conclusions therefore launched a process of harmonisation of reception conditions, asylum procedures, and contents of the refugee status, which led to the adoption of the core legal instruments of the CEAS. The most relevant instruments for this thesis are the reception conditions directive (hereafter RCD 2003);²² the Dublin II regulation, which was already mentioned above; and the Eurodac regulation,²³ which supports the Dublin system by creating a database that gathers fingerprints of all asylum applicants in the EU and therefore allows the identification of the first country of entry.²⁴

Notwithstanding the long-term objective to achieve “a common asylum procedure and a uniform status for those who are granted asylum” (European Council 1999, p. 4), it is necessary to observe that the whole process of harmonisation was conceived as a necessary step towards the goal of reducing asylum seekers’ mobility. In other words, from its very outset, the harmonisation of asylum policies has been subordinate to the imperatives of migration management underpinning the Dublin system. In the case of reception, this is demonstrated quite explicitly by RCD 2003, whose recital 8 states that “the harmonisation of conditions for the reception of asylum seekers should help

²¹ Specifically, measures on common minimum standards had to cover reception of asylum seekers, responsibility for assessing asylum claims, qualification of refugees, procedures for granting or withdrawing refugee status, and temporary protection and displaced persons.

²² Council Directive (2003/9/EC) of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

²³ Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention. This was soon complemented by Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention.

²⁴ The remaining two legal acts are the asylum procedure directive (Council Directive (2005/85/EC) of 1 December 2005 on minimum standards on procedures in member states for granting and withdrawing refugee status) and the qualification directive (Council Directive [2004/83/EC] of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted).

to limit the secondary movements of asylum seekers influenced by the variety of conditions for their reception”.

The harmonisation of reception conditions is therefore instrumental in discouraging so-called “secondary movements”, as the EU and its member states consider those unauthorised movements made to leave the country of first arrival, that is the one to which asylum seekers are confined by the Dublin system. “Secondary movements” is in inverted commas throughout the thesis to dissociate myself from such a EU-centric institutional jargon which disregards that several movements preceded the presumed secondary one and many more are likely to follow. In this way, my intention is also to emphasise that migration is an open and complex process which cannot be imagined in terms of a linear movement between a point of departure and a point of arrival.

The European Council meeting in The Hague in 2004 inaugurated the second phase of the CEAS (Council of the European Union 2005), whose deadline, initially scheduled for 2009, was postponed due to the difficulties which characterised the negotiations on the new legislative instruments. Member states were recalcitrant to reduce their room for manoeuvre and change their national systems, specifically in the domain of reception (Ripoll Servent & Trauner 2015). As a result, the first versions of the recast proposals tabled by the Commission did not reach an agreement, except for the regulation creating the European Asylum Support Office (EASO),²⁵ a new agency intended to support practical cooperation between member states. The recast legal instruments were only adopted between 2011 and 2013, during the five-year work programme defined by the European Council in Stockholm on 10th and 11th December 2009 (European Council 2010).²⁶ Despite the difficulties that marked the negotiations

²⁵ Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office.

²⁶ The recast legal acts are: Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast); Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast); Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast); the so-called “Dublin III” regulation; and Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013, on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection

on the second phase of the CEAS, the Stockholm programme confirmed the main principles of the CEAS and stressed the need to build “a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection” (European Council 2010, p. 32).

After the completion of the CEAS, the emphasis of the EU institutions moved to the effective transposition and implementation of the recast legal instruments adopted. For example, in a Communication on the future of the CEAS, the Commission welcomed the adoption of the new legislation which could finally provide “better access to asylum for those in need of protection, higher quality of reception conditions and faster, more reliable asylum decisions” (European Commission 2014a, p. 6). From the Commission’s standpoint, the CEAS had been build and the next steps thus concerned the “full implementation and enforcement of existing instruments” (European Commission 2014a, p. 2), in order to put the CEAS *into practice* (European Commission 2014a, p. 6). A similar position was also endorsed by the European Council in the Conclusions adopted on 26th and 27th June 2014 (European Council 2014), which were expected to define the follow-up of the Stockholm programme, but only provided some “strategic guidelines” unable to “match any of the previous five-year frameworks in terms of programmatic ambition” (Monar 2015, p. 140). The Guidelines reiterated the position of the Commission in relation to the CEAS by declaring that “the overall priority now is to consistently transpose, effectively implement and consolidate the legal instruments and policy measures in place” (European Council 2014, p. 2).

Yet, even before the “refugee crisis” made it extremely clear, I could see from the field how the problems of the CEAS could not be merely framed in terms of implementation and effective transposition of legal instruments. The main reason for that is that reception is not a fixed procedure which can be replicated across the EU regardless of the context in which it takes place and the actors who make it happen. Reception is rather a *practice*, which is context-specific and relational. For this reason, just like the

lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast).

movements which subvert the Dublin system, reception is excessive as it takes multiple forms which constantly undermine the attempt to harmonise it. As a result, asylum seekers cannot be offered an equivalent level of treatment as regards reception conditions, not only because member states transpose the recast reception conditions directive (hereafter RCD 2013) in different ways, but also because the provision of reception cannot be detached from other aspects which significantly affect it. Among these aspects, it is possible to include the actors who practically provide reception as well as the institutional arrangements through which reception facilities are managed, but also broader welfare, healthcare, housing, and labour policies.

This approach to reception is deeply influenced by what Chapter 1 describes as “studies of reception practices” and therefore this thesis is conceived as a contribution to this body of literature. By attending to the everyday and localised operation of reception policies and laws, as well as their effects on people – both those who provide reception and those who are the recipients – these studies reject an understanding of reception which privileges its formal, institutional and procedural dimensions. Such an understanding, which I classify as “formal approaches to the study of reception” (or simply “formal approaches”), permeates legal, institutional, and policy-oriented analyses, which therefore replicate institutional terms of debate as well as their problematic assumptions. For this reason, it will be argued, formal approaches provide inadequate accounts of the failure of the CEAS.

2. ANALYTICAL APPROACH AND RESEARCH DESIGN

Besides establishing the originality of the thesis, the aim of identifying the features and functioning of a EU government of asylum seekers has also significant implications for the analytical approach and the research design of this work. With respect to the first point, I have already mentioned the influence of Foucault’s thought on the ways I look at the reception of asylum seekers and in the first sub-section I will further clarify what such influence involves from an analytical point of view. As concerns the research design, the objectives of the thesis dictate three main features of the analysis, which consist in multi-sitedness, qualitative research, and translocality. The qualities and importance of these features are discussed in the three following sub-

sections, which also provide details about choice of contexts, research techniques, and ontological assumptions, respectively.

A Foucauldian Approach to Reception

To study the reception of asylum seekers from a Foucauldian perspective involves three key analytical moves, which deserve a brief mention here even if they are discussed in greater detail in section 3.2. First, reception is understood as a form of government which cannot be limited to its institutional dimension, but rather involves the multiple forms of power through which asylum seekers are governed. This means rejecting what Foucault would call an “institutional-centric” approach to reception (2009, p. 116), which resembles the one proposed by formal approaches that I mentioned above. Unlike the latter, this thesis starts from concrete practices with the aim of grasping the effects of policies on the ground and on people, beyond the institutional narrative of the Dublin system and the harmonisation of reception conditions. In this way, three key modes of governing asylum seekers that currently operate in the EU are identified and examined in the empirical chapters of the thesis; namely, logistics in Chapter 4, differentiation in Chapter 5 and failure in Chapter 6.

Second, the analysis is not framed in functional terms, which means that successes and failures of EU policies are not assessed from the point of view of their declared goals. On the contrary, the thesis starts from the effects of policies and their failures to understand their overall intelligibility. Accordingly, the point is not to produce knowledge in order to optimise governmental programs and reduce the likelihood of failure, but to explore how these programs unfold their effects and what their repeated failure brings about. In this respect, the main purpose of this thesis is to provide “tactical pointers” (Foucault 2009, p. 3) for critique and struggle, rather than offering solutions or plans for reform to policymakers. Nevertheless, the Conclusions specify some possible measures that could be immediately adopted to improve the conditions of asylum seekers in the EU, even if these measures would be inevitably short-term and unable to change the status quo, for which a broader rethinking is needed as I emphasise below.

Third, reception is not approached as an already given object of analysis, whose features can be easily deduced from legislation and policies. What the term “reception” denotes is rather the outcome of multiple practices and processes, which therefore constitute reception as an effect which does not necessarily reflect its institutional definition. The objective of such move is to problematize familiar ways of thinking at reception and create a space for looking differently at it, thus contributing to change the ways in which it is perceived and implemented. In this way, the thesis intends to expand the possibilities for thinking critically about the reception of asylum seekers in the EU, with the aim of preparing the ground for a radical rethinking of the current framework. Accordingly, by providing “instruments of analysis” and locating “lines of weakness” (Foucault 1980c, p. 62) in the current regime of government, the thesis targets not only academics, but also practitioners, NGOs, advocacy groups, social workers, activists, think tanks and even policymakers.

Drawing from the Foucauldian approach just introduced, this thesis proposes a shift of the emphasis within the debate on the reception of asylum seekers in the EU, with the objective of reframing it in the light of critical migration studies (Tsianos & Karakayali 2010; Squire 2011; Hess 2012; Casas-Cortes et al. 2015; De Genova & Tazzioli 2016). By investigating the functioning and features of border regimes, this strand of literature addresses issues that relate to the management of asylum seekers, but a specific emphasis on reception as a key dimension of the EU border regime is lacking. On the contrary, my research examines the EU border regime *through* the vantage point of reception, which is particularly relevant if one considers that most of those who arrive in the EU pass through the meshes of the reception regime because the asylum procedure is the only possibility they have to regularise their legal position.

Hence, the thesis contributes to the field of critical migration studies, with which it shares theoretical and conceptual tools as well as broader political standpoints. Specifically, the use of elements of the Foucauldian toolbox, such as the concepts of governmentality and *dispositif*,²⁷ the analytics of power and a genealogical posture;

²⁷ The French word *dispositif* is a polysemic term which has no straightforward translation in English. For this reason, I maintain the French version with the goal of avoiding misunderstandings and remaining as close as possible to Foucault’s use of the concept. Some clarifications are nonetheless needed. Following the *Collins Robert French Dictionary* (Collins - Robert 2010), three main meanings of the term can be singled out: 1) *dispositif* as a device, apparatus, mechanism, or machine (e.g. *dispositif*

the emphasis on migrant struggles; and the attention to the differentiating, filtering and contested dimensions of border regimes, situate the thesis in line with the abovementioned scholarship. Such a theoretical positioning differentiates the following analysis from literatures which focus specifically on reception, such as formal approaches and studies of reception practices, which are reviewed in Chapter 1. Notably, the thesis moves beyond formal approaches which replicate institutional assumptions and therefore prove unable to provide satisfying analyses of the failure of the CEAS. At the same time, it replaces a focus on specific local settings, which often characterise studies of reception practices, by situating localised practices within broader trends and mechanisms of government.

A Multiply Situated Object of Study

Despite the emphasis on practices and contexts, the thesis does not propose an analysis of the daily provision of reception in specific localised places. Rather, it explores broader political processes investing the management of asylum seekers in the EU by adopting local contexts of reception as privileged sites from which to get insights on that processes. Accordingly, the focus is not on the contexts in themselves but on the ways in which they speak to EU-wide dynamics. I refer to *contexts*, in the plural form, because an investigation of the multiple ways through which asylum seekers are governed through reception in the EU cannot be carried out by focusing on a single site of intensive investigation. What is required is instead a multi-sited analysis which allows one to explore:

[A]n emergent object of study whose contours, sites, and relationships are not known beforehand, but are themselves a contribution of making an account that

de sûreté: safety device, or *dispositif de contrôle*: control mechanism); 2) *dispositif* as a plan of action or system (e.g. *dispositif de défense*: defence plan, or *dispositif de surveillance*: surveillance system); 3) *dispositif* as pronouncement (*dispositif de jugement*) or purview (*dispositif de loi*). With respect to Foucault's use of the word in conceptual and analytical terms, the word *apparatus* is often used as an equivalent term; see Foucault 1980b, but also the well-known book by Giorgio Agamben on the topic (2009). However, the chapter *Le dispositif de sexualité* in the original French version of *History of Sexuality 1* becomes *The Deployment of Sexuality* in the English translations. Sometimes, the English *apparatus* is accompanied by the French translation in brackets, as in the famous essay by Gilles Deleuze in which both *apparatus* and *social apparatus* are used (1992). I am not entirely satisfied by the word *apparatus* as a possible translation, because it seems mainly to emphasise the technical and mechanical aspects of the French term, thus losing its implications in the semantic fields of disposition, arrangement, and configuration (see also Kessler 2007).

has different, complexly connected real-world sites of investigation. The object of study is ultimately mobile and multiply situated.

(Marcus 1995, p. 102)

To define such an emergent object of study, the thesis introduces the concept of “EU reception regime” in Chapter 3. The multiply situated character of this object of analysis led me to several locations within two countries, Italy and Sweden, which I chose because of their significance in the current EU politics of migration management. Indeed, Italy and Sweden are key sites of migration which were receiving substantial numbers of asylum seekers when I began the research. In particular, they received 19% of the EU’s total asylum applications in 2013 (Eurostat 2014), 23% in 2014 (Eurostat 2015) and 19% in 2015 (Eurostat 2016). Besides that, while Italy is regularly one of the main points of entry to the EU,²⁸ Sweden was often one of the EU countries with the highest percentage of asylum seekers per population.²⁹ In 2016, Sweden recorded a large decrease in the number of applications (Eurostat 2017) and this is probably an effect of the crackdown on fingerprinting that is discussed in Chapter 6. Together with issues of feasibility, the steady weight of Italy and Sweden with respect to asylum applications and number of arrivals in the EU is the main reason behind the choice to focus on these two countries only. Indeed, other countries which gathered much attention in recent years, such as Greece and Hungary, were not key actors in the CEAS when I began my research in 2013 and it was too late to include them in the analysis when they took centre stage during the “refugee crisis”.

Despite the shared importance when it comes to the number of applications received, Italy and Sweden present fundamental differences among themselves which heavily differentiate their role within the EU reception regime. The first crucial distinction pertains to the geographical position of the two countries which translates to different ways of entry for incoming migrants and in turn to different concerns informing the organisation of reception policies. Italy’s location at the external borders of the EU

²⁸ See for example data provided by the United Nations High Commissioner for Refugees (UNHCR) at <https://data2.unhcr.org/en/situations/mediterranean/location/5205>; and by the International Organisation for Migration (IOM) at <http://migration.iom.int/europe/>.

²⁹ Sweden was the first EU country with respect to number of asylum applicants per million inhabitants in 2013 and in 2014, and it was only overcome by Hungary in 2015. In these years, as Eurostat reports demonstrate, the percentage of asylum seekers received by Sweden exceeded by far that of most other EU states (Eurostat 2014; 2015; 2016).

results in the significant arrival by sea of people without documents, who then regularise their position at the border by claiming asylum. This makes disembarkations, identification procedures, first-aid centres and the following distribution of asylum seekers across the territory key aspects of the Italian asylum policy. Furthermore, as Italy is not the desired destination for many asylum seekers, who are rather determined to avoid fingerprinting and circumvent the Dublin system, the stages of registration and fingerprinting have a central role in the Italian asylum procedure. This is less the case in Sweden, where most of incoming migrants have travelled via other member states with the precise intention to claim asylum in the country. As a result, most applications are not lodged at the border,³⁰ first-aid operations are a secondary issue, and the issue of fingerprinting is less problematic.

A second important difference between Italy and Sweden concerns the experience and consolidation of the respective reception policies. Indeed, Sweden has a long tradition of reception of asylum seekers and beneficiaries of international protection which dates back to the 1970s with the support to people fleeing from Latin American countries (UNHCR 2013, p. 10). In Italy, on the contrary, the phenomenon is much more recent and it only achieved an institutional structure at the beginning of the century with the establishment of *Sistema di protezione per richiedenti asilo e rifugiati* (SPRAR – National System for the Protection of Asylum seekers and Refugees). SPRAR is the main, public, ordinary reception system in Italy, even if much more asylum seekers are usually accommodated in emergency facilities and not in SPRAR projects, as Chapter 4 underlines.

The organisation of SPRAR takes me to a third significant difference between Italian and Sweden reception policies. Indeed, SPRAR constitutes a dispersed reception system which is composed by a network of local municipalities which create partnerships with NGOs, non-profit associations, and social cooperatives in order to develop localised projects for asylum seekers, beneficiaries of international protection and beneficiaries of protection on humanitarian grounds. It is therefore a programme in which financial and executive responsibilities for reception facilities are shared between state authorities and local authorities (EMN 2014, p. 15) and the involvement

³⁰ Most applications are instead lodged at the dedicated registration units in Boden, Flen, Gävle, Gothenburg, Malmö, Märsta or Stockholm.

of actors from the third sector is crucial in the everyday management of facilities. In Sweden, the responsibility for the reception of asylum seekers is given to a state agency, such as *Migrationsverket* (Swedish Migration Agency), with a very limited space for NGOs or non-profit organisations as well as local municipalities, which are in charge instead for unaccompanied minors (EMN 2014, p. 16). *Migrationsverket* is the Swedish central administrative authority in the domains of asylum, migration and citizenship, and its duties with respect to asylum seekers include the processing of applications as well as the provision of financial support, information and housing.

A fourth difference between Italy and Sweden as countries of reception concerns the organisation of welfare measures and the consequent type of support offered to asylum seekers and beneficiaries of international beyond the mere provision of reception. According to the renowned categorisation proposed by Gosta Esping-Andersen (1996), Italy has a “conservative” welfare regime which is based on the family as the main source of support and only intervenes in the most extreme cases, thus penalising asylum seekers and beneficiaries of international protection unless they are in desperate conditions. Sweden, instead, is an example of a “social-democratic” welfare regime which is based on principles of universalism and equality and therefore includes asylum seekers and beneficiaries of international protection in mainstream welfare provisions aiming at the independence of everyone. The different welfare regimes might also be identified as a possible explanation for the dissimilarities characterising the support provided after the recognition of protection, whereby Sweden offers a two-year “integration”³¹ programme to all beneficiaries of international protection while this is not the case in Italy, as section 5.2. emphasises.

While the share of asylum seekers received in Italy and Sweden assures their relevance as countries of reception in numerical terms, the differences between the two provide a strong basis for generalising diagnoses drawn out from phenomena and issues that are identified in both contexts. In this way, the similarities that connect diverse

³¹ The term “integration” is in inverted commas throughout the thesis in an attempt to stress the necessity to problematise the idea and politics of “integration”, which seems to imply the assimilation of migrants into the society of destination. While this exceeds the scope of the thesis, the concept of differential inclusion that is discussed in Chapter 6 calls into question the idea of “integration” by reading inclusion and exclusion as a continuum (Mezzadra & Neilson 2013a, p. 159-166). For a fuller critique of the concept of “integration”, see Lentin & Titley (2011, Ch. 6) and Mezzadra & Neilson (2013a, Ch. 5).

contexts within the two countries are interpreted as possible trends that cut across localities and are therefore ascribable to EU-wide dynamics, as in the case of the three modes of governing asylum seekers discussed by the thesis. Accordingly, even if some of the issues investigated in the following pages seem to affect predominantly Italy, they are nonetheless EU issues insofar as EU policies determine their conditions of possibility.

Let me take the example of the abandonment of beneficiaries of international protection that is discussed in section 5.2. Even acknowledging the responsibilities of Italian authorities for the situation, this cannot be downplayed as a mere Italian issue because it is an effect of set of conditions for which the EU dimension plays a crucial role. Indeed, in the first place, asylum seekers are forced to stay in Italy by the Dublin regulation; however, Italy is not required to provide support measures after the granting of protection while, at the same time, beneficiaries of international protection are not allowed to settle in another EU country once granted protection. Hence, the abandonment of beneficiaries of international protection takes place in Italy and the Italian authorities can be considered directly responsible for that, but its complexity can only be appreciated by identifying the EU dimension of such a seemingly national issue.

The choice of contexts within Italy and Sweden was equally driven by the necessity to combine representativeness and diversity in order to identify phenomena whose scope could be deemed general rather than context-specific. Following this intent, the sites that I visited between January 2015 and February 2016 are: Bologna, Bolzano, Caltagirone, Catania, Gothenburg, Kiruna, Lampedusa, Malmö, Milano, Palermo, Pozzallo, Rome, Siracusa and Stockholm (see Figures 1, 2 and 3, p. 22-23). These places were identified in order to ensure a degree of variety between reception measures provided in cities, towns and remote areas; as well as between places of arrival, transit and destination. Local contexts were also selected with the aim of gathering information about different types of reception existing in the two countries, including emergency reception measures. Besides that, it needs to be stressed that the accessibility of sites as well as the availability of time and resources also played a key role in the selection of research contexts, as the visit to some places proved to be more feasible than others, thus influencing the choice. At the same time, the emergence of

new issues during the research created the conditions for the inclusion of sites which were not initially planned, thereby demonstrating the flexibility which was necessary to study a multiply situated object of study, such as the EU reception regime.

Figure 1: Fieldwork sites in Italy (source Mapbox).

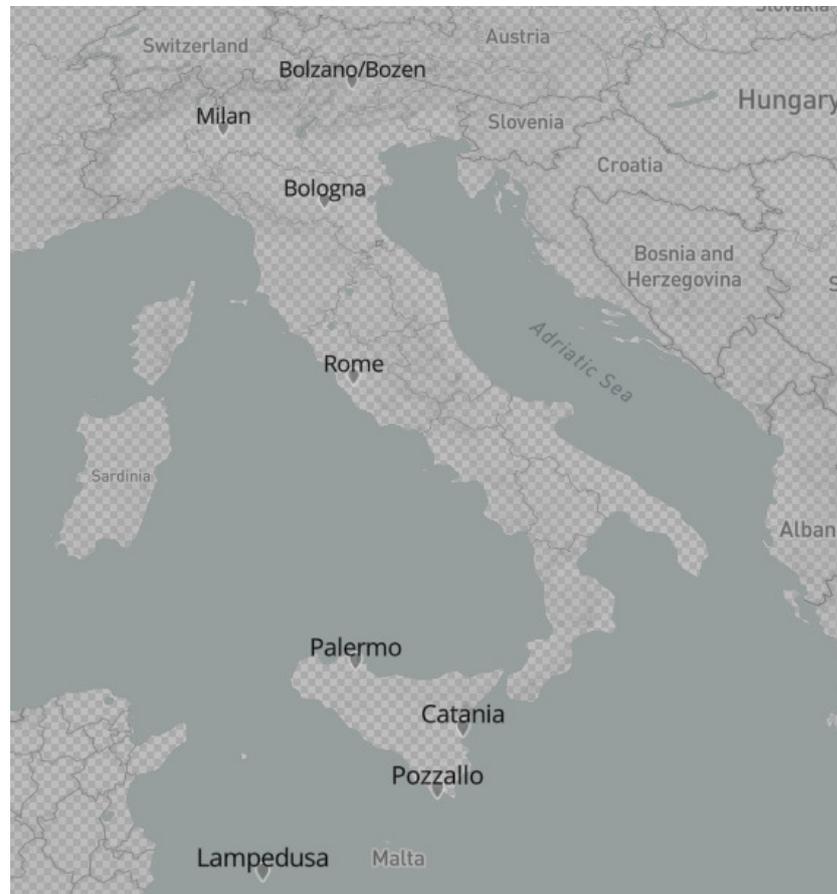


Figure 2: Focus on fieldwork in Sicily (source Mapbox).



Figure 3: Fieldwork sites in Sweden (source Mapbox).



Qualitative Research

The focus on practices and effects that derives from the Foucauldian approach to reception calls for qualitative research methods, which are suitable for grasping the ways in which governmental programmes and rationalities of government play out in their everyday implementation at the ground level. As main technique of data generation,³² I opted for in-depth semi-structured interviews with which I tried to trace features and functioning of the EU reception regime during my research trips to the locations listed above. Thirty interviews, many of which were also accompanied by informal conversations occurring before or after the recorded dialogue, were carried out with a range of different actors.³³ These actors were selected in the attempt to combine the geographical diversity mentioned above with a multiplicity of roles,

³² By referring to the generation of data rather than its mere collection, the intention is to stress the co-production of knowledge at stake by highlighting the nature of interviews “as interactionally co-constructed events in which participant identity and positioning have significant analytical implications” (Richards 2009, p. 159).

³³ All interviews amounted to nearly 30 hours of recorded material. The number of interviews carried out in Sweden was 16, while 14 interviews were made in Italy.

perspectives, and positioning in the government of asylum seekers. Accordingly, interviewees were encouraged to provide their own standpoint on the issues analysed as well as thorough information on aspects, situations, and practices in which they could offer privileged insights. Besides providing substantial material on different facets of the government of asylum seekers, such a variety of actors also allowed me to triangulate between information received.

The list of interviewees includes:

- Activists, whose main activities are the support of those “in transit” in several Italian contexts, the provision of legal support to migrants regardless of their juridical status in Sweden, and advocacy, awareness raising and monitoring both in Italy and Sweden.³⁴
- Team leaders and case-workers at *Arbetsförmedlingen* (Swedish Public Employment Service), which is the agency managing *etableringsplan*, the Swedish support program for beneficiaries of international protection.³⁵
- A governmental official responsible for local reception measures in an Italian *Prefettura* (Prefecture), which is the local branch of *Ministero dell’Interno* (Ministry of the Interior).³⁶ With respect to reception, *Prefetture* are in charge of *Centri di accoglienza straordinaria* (CAS): emergency reception measures whose features are specified in Chapter 4.³⁷
- NGO workers, covering different professional figures (legal consultants, health professionals, policy officers), who are involved in several activities,

³⁴ Neither the name nor the location of activist groups are mentioned in order to safeguard the anonymity of the interviewees.

³⁵ *Arbetsförmedlingen* is the Swedish agency in charge of ensuring the matching between jobseekers and employers as well as supporting jobseekers through labour market programmes. Since the reform of integration policies which took place through the Swedish Introduction Act of 2010, the agency is also responsible for support programs (*etableringsplan*) for beneficiaries of international protection. A fuller discussion of these programs is carried out in section 5.2.

³⁶ *Prefettura*, also known as *Ufficio territoriale del governo* (Territorial government office), is the local branch of *Ministero dell’Interno* (Ministry of the Interior) and represents the state in each province. It deals with migration, asylum, security, and public order.

³⁷ *Centri di accoglienza straordinaria* (CAS) are extraordinary and supposedly temporary reception centres which were opened as a result of the military/humanitarian operation Mare Nostrum that was launched in October 2013 with the aim of controlling migration routes in the Mediterranean and rescuing migrants. These facilities are independent from SPRAR network and their management is assigned to *Prefetture* which contract out daily activities to NGOs, social cooperatives, or private companies. As section 5.2. highlights, the variety of partners selected by *Prefetture* and the lack of uniform monitoring mechanisms at the national level cause highly diverse reception standards between and sometimes even within local contexts.

such as: legal support to migrants (in Italy and Sweden); provision of healthcare during the disembarkation phase and in first-aid centres (in Italy); provision of basic assistance during the disembarkation phase (in Italy); advocacy, information and monitoring (in Italy and in Sweden); provision of psychological support to asylum seekers and beneficiaries of international protection (in Italy).³⁸

- Team leaders and reception officers at *Migrationsverket*, who follow asylum seekers during the asylum procedure in different Swedish contexts.
- Social workers and project managers working in SPRAR reception projects as well as in CAS in diverse Italian locations.
- Volunteers, some of whom provided support to migrants “in transit” in different Italian contexts while others delivered legal advice as well as basic assistance to “irregular” migrants in Sweden.³⁹

In all the cases above, the precise geographical location of each actor is not disclosed in order to avoid the identification of interviewees and organisations. For the same reason, when reporting excerpts from the interviews, I will not specify the place of the interview, but only the role of the interviewee and the date.

While I am aware that the accounts of migrants would have offered extremely important insights on the functioning of the regime, especially in relation to its effects, I deliberately decided not to collect interviews from them. This was a precise ethical and political choice based on the awareness of the countless times in which asylum seekers are required to provide details about themselves, their story, their journey and their plans, from the moment of disembarkation onwards, through all the following different stages of their stay in the EU. Indeed, the whole asylum procedure is premised upon an interview focused on one’s personal story, the controversial aspects

³⁸ The names of the NGOs involved in the research are not provided for two reasons. First, this choice is meant to protect the anonymity of the interviewees. Second, most NGO workers were interviewed as individuals who could provide information about the functioning of the operations of disembarkation as well as the provision of reception measures in specific contexts, rather than representatives of their organisation. Thus, it would not be entirely correct to present their words as the ones of the organisation for which they work.

³⁹ As sometimes the activities carried out by activists and volunteers overlap, thus making difficult to draw a clear line between the two, I decided to follow the ways in which interviewees identified themselves, thus defining “volunteers” those who framed their activity in such terms and “activists” those who instead explicitly defined themselves so.

of which interview have been thoroughly underlined by scholars (Blommaert 2001; 2009; Sorgoni 2013). In addition to this, asylum seekers and beneficiaries of international protection might also be exposed to research fatigue, which means that they might be over-researched and thus potentially subjected to a process of objectification. In this respect, another interview, even if focusing on reception practices and personal impressions of EU policies, would have meant yet another form of exploitation and violence, which I preferred to avoid.

Moreover, I talked so much with those who were assisted by the SPRAR project in which I worked that all the inputs that I received can be considered the invisible foundation of the entire research project. These long conversations, which dealt with their concerns, their plans, and their experiences in Italy as well as in other EU countries, pointed out the tensions affecting the EU reception regime and dictated the following direction of the research. Hence, I believe it has been possible to investigate my object of study and access migrants' resistance and subjective practices without involving them directly, as Chapter 6 on the excessive character of movements specifically demonstrate.

Despite the lack of long periods of participant observation, my methodological approach implied an "ethnographic sensibility" (Shore & Wright 2011, p. 15) given that immersion stood for a crucial technique of data generation as it happens with ethnography. However, in line with Gregory Feldman's idea of "nonlocal ethnography" (2011, p. 33), I suggest that my research involved an immersion in a space of governmentality (Tazzioli 2015a), aiming at decoding the functioning of an apparatus of power, as opposed to an immersion in a specific place or institution aimed at studying its daily life. Such a space of governmentality can therefore be imagined as a "spatially dispersed field through which the ethnographer moves – actually, via sojourns in two or more places, or conceptually, by means of techniques of juxtaposition of data" (Falzon 2009, p. 2). If local reception practices are to be addressed as part of broader configurations of power targeting asylum seekers, then the study of these practices in different locations accounts for an immersion in the same space of governmentality, which the thesis calls EU reception regime. To some extent, it can therefore be argued that the geographical breadth of the research "produce[s] a new kind of conceptual depth" (Mezzadra & Neilson 2013a, p. 10).

Furthermore, it is important to stress how my immersion in the EU reception regime started well before the fieldwork that I carried out for this thesis, given my previous research (Vianelli 2011; 2014a; 2014b) and the work experience which I mentioned above. Besides that, my immersion in the discourses, policies and practices targeting asylum seekers in the EU has also been strengthened by the membership in the association *Asilo in Europa*.⁴⁰ This provided a constant connection with the “ground” by allowing me to stay in touch and share reflections with social workers and practitioners who work in several contexts within the EU. Hence, as long as time is one of the main variables through which a researcher achieves ethnographic depth (Falzon 2009, p. 7), this set of different experiences within the EU reception regime can be intended as replacing the ethnographic depth that would have otherwise been produced by long-term participant observation in one or more locations. The immersion that I have just described, combined with the analysis of different types of data including policy documents, administrative guidelines, newspaper articles, press releases, speeches, and blogs, proved to be a fundamental source of triangulation, which allowed me to not rely uniquely on interviews.

Translocal Approach

The multiply situated character of the EU reception regime requires a further methodological precaution, which complements the multi-sited approach that I described above. Indeed, the study of the reception of asylum seekers in the EU also needs to be translocal, in order to grasp the translocal character of the regime. Translocality is a notion that developed from debates on transnationalism with the goal of overcoming some of its weaknesses.⁴¹ In particular, translocal approaches intend to discard the “methodological nationalism” (Wimmer & Glick Schiller 2003), which is implicit in the idea of transnationalism notwithstanding the declared attempt made by

⁴⁰ *Asilo in Europa* is an NGO based in Italy but including members who work, study and research in different EU countries. The main activities of the association include: advocacy; research on Italian and EU asylum law, member states’ reception systems and best practices, country of origin information; training for social workers and practitioners dealing with asylum seekers; organisation of seminars and workshops.

⁴¹ For a full review of debates on translocality see Greiner & Sakdapolrak (2013). Other texts that help to understand the different applications of the term are Freitag & von Oppen (2010) and Brickell & Datta (2011).

such a theoretical perspective to move beyond a national frame of analysis (Greiner & Sakdapolrak 2013, p. 373). Translocal approaches denote a concern “with local contexts and the situatedness of mobile actors” (Greiner & Sakdapolrak 2013, p. 374), and are combined with an attempt to “expand [the] analytical focus beyond the limits of the nation-state” (Greiner & Sakdapolrak 2013, p. 374). Despite the manifold meanings and usages of the term, relating for example to mobility, identities, place, networks, and so on, the idea of translocality is here brought to bear in order to recognise a regime of government through reception which is simultaneously localised and transcending specific location. Translocality is therefore both a descriptive tool and an analytical perspective (Freitag & von Oppen 2010, p. 3).

A translocal approach paves the way to the “diagonal research orientation” (Hess 2012, p. 430) that is proposed by the thesis. Sabine Hess describes a “diagonal research orientation” as an approach that is “opposed to classical dichotomies of micro-macro, structure-agency, studying down or up” (Hess 2012, p. 430). Such approach presents many commonalities with what the anthropologists Chris Shore and Susan Wright define “studying through”, which is a “method for analysing connections between levels and forms of social process and action, and exploring how these processes work in different sites – local, national and global” (Shore & Wright 1997, p. 14). In other words, the entanglement between the different levels of government involved in the reception of asylum seekers is considered fundamental. Paraphrasing Mark-Anthony Falzon (2009, p. 2) on the global, it is possible to say that in this thesis the EU level is “collapsed into and made an integral part of parallel, related local situations, rather than something monolithic or external to them”. Accordingly, reception is investigated within the unstable tension between these different levels, thereby resulting as the excessive and multiple outcome of the interplay between localised practices and EU-induced processes. My intention is to overcome a clear-cut distinction between micro- and macro- analysis by emphasising the intersection between the two rather than understanding them as two different poles.

Thanks to such focus on the entanglement between local contexts and EU-wide trends, a translocal approach enables one to move beyond a national frame of analysis, which is inadequate to analyse a mode of governing asylum seekers through reception that transcends national borders. In the field of reception, national frameworks are certainly

relevant, especially in terms of institutional setting, geographical position, socio-economic conditions, and transposition of EU directives. Yet, as it is discussed in Chapter 5, the framework of member states is inadequate to analyse a reception regime that operates by differentiating conditions and experiences both within and across national borders.

For these reasons, even if the empirical work underpinning the thesis is based on two countries, the thesis does not propose a comparison between presumed “national systems”, because that would fail to account for the heterogeneity of forms of reception that exists even within the same country. In the same ways as the image of a “common area of protection” proposed by the CEAS, the idea of a “national reception system” reveals itself a reification, which does not do justice to the extreme heterogeneity at the level of practices, experiences, and local arrangements that characterises a single national framework. Therefore, a translocal approach draws attention to the internal fragmentation, both institutional and geographical, which characterises states, thereby problematising their unitary representation. Such an approach is therefore in line with studies that call into question the “statist approach” (Mitchell 1999) and reject the idea of the state as a unitary, fixed, and homogeneous institution, representing the central holder of power (Abrams 1988; Mitchell 1991; Gupta 1995; Ferguson & Gupta 2002; Sharma & Gupta 2006).

Moreover, by moving beyond the framework of national “containers” (Trouillot 2001, p. 130), a translocal approach avoids methodological nationalism, which is implicit in most studies of reception and results in naturalising the global regime of nation states. Methodological nationalism is evident in formal approaches, which normally take for granted the state and its borders, authority and homogeneity. But it also underpins several studies of reception practices insofar as these assume the state as their main point of reference. Therefore, adopting a translocal approach is not only a methodological choice but also an ontological one, insofar as this approach supports an attempt to call into question the “national order of things” (Malkki 1992, p. 25). It is precisely such national order of things which produces asylum seekers as the anomaly that needs to be dealt with. By rejecting the ostensible natural and assumed character of such order, my aim is to overturn the widely-recognised perspective which frames migration as the problem and states as the norm. Following Nicholas De

Genova, it is always crucial to remind that states and borders literally produce migration because “if there were no borders, there would be no migrants – only mobility” (De Genova 2016a, p. 26).

3. CHAPTER OUTLINE

The thesis is formed of six chapters. Chapter 1, ‘Studies of the Reception of Asylum Seekers’, introduces and reviews two bodies of literature which have addressed the reception of asylum seekers in the European context. The first of these literatures is defined as formal approaches to the analysis of reception and includes legal, policy, and institutional analyses which understand reception as a set of rights and services enabled by laws and policies. These studies, it is argued, are indifferent to contexts and people, and they also promote a teleological reading of the process of harmonisation which reflects EU institutional discourse. These shortcomings lead to inadequate explanations of the repeated failures of EU policies in the field, which therefore require a change of perspective in order to be productively addressed. The second strand of literature reviewed by the chapter, studies of reception practices, is introduced precisely to propose a way of looking at reception that attends to the operation of policies and laws in contexts, their effects on people and the asymmetries of power informing the provision of reception. Far from understanding reception as a fixed procedure, these studies interpret it as a practice, which is inherently contextual and relational.

By rejecting a juridical and procedural understanding of reception, through an emphasis on practices and the power relations informing them, studies of reception practices prepare the ground for the Foucauldian approach to reception, which is introduced in Chapter 2, ‘The Foucauldian Toolbox and the Study of Reception’. Here, a range of theoretical and conceptual tools offered by the work of Foucault is presented, with a particular emphasis on those which will be employed in the thesis. While governmentality is a key concept for the thesis, the chapter also introduces other elements of the Foucauldian toolbox which are deemed important both for better contextualising the notion of governmentality within Foucault’s thought and for the following empirical investigation. More specifically, these elements are genealogy, power/knowledge, the politics of truth, the *dispositif*, the analytics of power and the

related understanding of resistance. As a whole, the chapter seeks to conceptualise reception as a form of government which cannot be understood in merely legal and procedural terms and rather needs to be situated within a broader field of power relations. By framing reception this way, the thesis differentiates itself from the juridical perspective endorsed by formal approaches, while also providing a broader analytical framework for the contextualised approach proposed by studies of reception practices.

Chapter 3, “Governmentality and Reception”, illustrates the benefits and implications of studying reception through the lenses of governmentality. The chapter first explores the development of the concept of governmentality after Foucault’s formulation, while also drawing attention to the drawbacks that have characterised its reception in the literature. A brief survey of studies of governmentality is thus designed to clarify my understanding and use of the concept, which explicitly avoids a teleological reading, a conflation of governmentality and (neo)liberal governmentality and an underestimation of conflicts and resistance. The chapter then moves on to define the features of governmentality as a mode of analysis for the study of the reception of asylum seekers. Such a mode of analysis calls for studying reception in the following ways: beyond institutions, by refusing the point of view of its expected function, and without assuming it as a ready-made object of analysis. The final section of the chapter introduces the notion of EU reception regime which is believed to reinforce the perspective of governmentality by placing an emphasis on the multiplicity of actors and rationalities involved in the activity of governing, as well as on its contradictory and non-intentional character.

The next three chapters employ the previously introduced mode of analysis to examine the empirical material gathered through fieldwork in diverse contexts in Italy and Sweden. Each chapter focuses on a mode of governing asylum seekers that emerged through empirical analysis, which attributes to the EU reception regime a distinctive quality. Chapter 4, ‘The Reception Industry: Governing through Logistics’, explores the diffusion of emergency reception measures, which consist of temporary and extraordinary forms of reception that are created to cope with what is presented as an exceptional crisis. While the presumed exceptionality of the purported crisis ends up legitimising the worsening of reception standards for the sake of urgency, emergency

reception measures create the conditions for further extending the situation of crisis, thus making it chronic. Besides that, the chapter also shows how an emergency approach to reception fosters a process of commodification which transforms reception into a profitable business and the EU reception regime into a reception industry. In the reception industry, the chapter concludes, reception increasingly resembles warehousing and is informed by a logistical rationality, which dehumanises asylum seekers by favouring organisational, operational, and economic concerns in the management of reception.

Chapter 5, ‘The Reception Roulette: Governing through Differentiation’, addresses a second mode of governing asylum seekers which is described as differentiation. The empirical investigation of different contexts in Italy and Sweden revealed how the EU reception regime, which EU policies assume to be a harmonised space in which the place of reception does not matter, is rather marked by a substantial heterogeneity of reception conditions between as well as within states. The chapter explores three dimensions of such heterogeneity, which are the spatial, institutional, and temporal ones. These types of heterogeneity are in turn the bases for three mechanisms of differentiation through which asylum seekers are currently governed by the regime. More specifically, spatial differentiation multiplies asylum seekers’ experiences according to the geographical location in which reception takes places; institutional differentiation gives rise to different treatments based on the various institutional arrangements through which reception is provided; and temporal differentiation diversifies the possibilities available to asylum seekers in the long-term. The final section of the chapter draws attention to a further issue which is crucial in producing mechanisms of differentiation out of the heterogeneity of reception: arbitrariness. It is precisely because contexts of reception are arbitrarily imposed on asylum seekers that the EU reception regime works as a reception roulette that channels asylum seekers to different trajectories.

In Chapter 6, ‘The Reception *Dispositif*: Governing through Failure’, the main argument of the thesis is proposed through the analysis of a third mode of governing asylum seekers in the EU, which is failure. The chapter first highlights the failure of the EU reception regime to limit movements by discussing various examples of mobility which subverted the Dublin system during as well as before the “refugee

crisis”. It then moves to show how the response to such failure, which is identified in the “hotspot approach” introduced by the European Agenda on Migration (European Commission 2015a), turned out to be unable to reduce movements during its initial implementation, as it rather worked as a device of “illegalisation”. The chapter therefore suggests that failure is part and parcel of the functioning of the regime and explores the productive dimension of the effects of such failure, which consist in processes of “irregularisation”, invisibilisation and abandonment. Following the analytical approach adopted by Foucault in *Discipline and Punish* (1991a), the EU reception regime is thus presented as a reception *dispositif* in which the inability to reduce movements turns out to serve the purpose of “illegalising” them and consequently fostering conditions of exploitability and disposability. This, it is argued, allows the incorporation of asylum in the neoliberal logic of valorisation of mobility.

CHAPTER 1

STUDIES OF THE RECEPTION OF ASYLUM SEEKERS

The Introduction outlined the intention within the thesis to explore the reception of asylum seekers from a Foucauldian perspective and observed how this helps pushing forward the debate in various respects. Before specifying the fundamentals of such a perspective in Chapter 2, through the discussion of the elements of the Foucauldian toolbox that are employed in this work, this chapter offers a brief review of the literature on the topic. The aim is not to capture the entirety of the debates on the reception of asylum seekers in the EU so much as to draw out two possible ways of looking at reception, which emerge from the literature. By doing so, the chapter clarifies my take on reception while at the same preparing the space for the theoretical discussion that is carried out in the next chapter.

For analytical purposes, two main approaches to the study of the reception of asylum seekers can be identified in the literature. First, there is a range of studies that focus predominantly on the legal, institutional and policy dimensions of reception, which, for the sake of simplicity, I define formal approaches to the analysis of reception (hereafter formal approaches) and review in the first section (1.1.). This body of literature investigates reception – either directly or indirectly as an aspect of EU asylum policies – by assuming the legal definition provided by the EU directive as the main point of reference. As a result, reception is interpreted as a ready-made object of study, which refers to a set of rights and services, and the types of analysis proposed focus primarily on the definition of reception conditions and the implementation of the RCD 2013.

Such an emphasis on the formal dimension of reception leads to three main weaknesses that characterise this strand of literature, which I discuss in the second section (1.2.). These weaknesses concern an indifference to contexts, an indifference to people, and a teleological reading of the process of harmonisation. Through the examination of these problematic aspects, the second section draws attention to the similarities between formal approaches and EU policies as concerns assumptions and underlying principles. In particular, it shows how formal approaches reflect the institutional discourse underpinning EU policies, thereby providing inadequate accounts of the

repeated failure which characterises the attempts to harmonise reception conditions and manage asylum seekers' mobility in the EU. By reproducing institutional terms of the debate, it is argued, formal approaches replicate their problematic aspects and are insufficiently equipped to investigate the failure of policies.

A second approach to the study of reception is much more useful for grasping the tensions and conflicts which impede a smooth implementation of policies on the ground. Such an approach is offered by studies which understand and investigate reception as a practice, whose contextual and relational dimensions are pivotal. These studies of reception practices, which I review in the third section (1.3.), explore the operation of policies in local contexts, their effects on people, and therefore offer in-depth contextualised investigations of specific settings, dynamics, and projects. Furthermore, by virtue of their emphasis on contexts and relations of reception, these analyses also draw attention to the asymmetrical power relations which inform the provision of reception and promote processes of infantilisation and victimisation. The section therefore observes that studies of reception practices offer key insights for addressing the failure of the EU policies in the field and this is the case precisely because these studies depart from the assumptions which underpin policies.

This thesis is broadly situated within the second strand of literature, as I similarly understand reception as a contextual, relational and asymmetrical practice, which exceeds its legal and institutional definition. However, there is fundamental difference between my research and studies of reception practices, which concerns the focus of analysis. Indeed, while studies of reception practices normally focus on a single context of reception, or on specific issues affecting it, the aim of this thesis is rather to investigate the EU government of asylum seekers by taking localised contexts and practices as the starting point of analysis. In this respect, the contribution of the thesis lies precisely in the attempt to explore the ways in which localised reception practices speak to broader EU-wide dynamics and relate to a broader apparatus of power targeting asylum seekers in the EU. For this purpose, Chapter 2 introduces some conceptual and theoretical tools offered by the work of Foucault, which provide a broader analytical framework in which to situate the phenomena under study.

1.1. FORMAL APPROACHES TO THE ANALYSIS OF RECEPTION

It is helpful to begin a discussion of the literature on the reception of asylum seekers in the EU by posing as a question something which often tends to be taken for granted, which is the objective nature of the reception of asylum seekers. Indeed, what is reception? At a first glance, this might appear as a rhetorical question, which deserves a quite straightforward answer. In the EU context, reception is generally understood as the full set of measures provided to asylum seekers in accordance with the RCD 2013, or the RCD 2003 before that. These measures include an allowance for daily expenses as well as the provision of housing, food, and clothing, which can be provided in kind or as financial allowances. In addition to these material forms of support, asylum seekers should also be granted access to education, have their family unity safeguarded, and have the possibility to work no later than 9 months from the day the application is lodged. As concerns healthcare, they should be entitled to emergency care and essential treatments at least. As a whole, the provision of reception should ensure an “adequate standard of living” for asylum seekers by guaranteeing their subsistence and protecting their physical and mental health.

The official definition of reception is the point of departure for several analyses, which examine reception policies, laws, and projects by taking such definition as their main point of reference. This section defines these analyses as formal approaches to the study of reception, or simply formal approaches, and discusses some of their features. Formal approaches privilege texts, policies, laws, and institutions, which demarcate the field of reception. This body of scholarship thus includes legal studies focusing specifically on reception (Handoll 2007; Thornton 2014; Tsourdi 2015; 2016a; Velluti 2016), as well as policy analyses (Thielemann 2004; Matrix Insight Ltd et al. 2010; Thielemann 2012) and institutional analyses (Kaunert & Léonard 2012a; 2012b), which deal with reception in an indirect way as an aspect within the broader policy area represented by the CEAS. However, it is important to stress that such a classification is not meant to reduce the variety of theoretical perspectives, nuances and analytical foci that characterise these studies. Rather, it is intended to highlight a shared decontextualized and abstract understanding of reception, from which the approach adopted here intends precisely to distance itself.

In these perspectives, reception tends to be reduced to a package of services and rights that can be provided anywhere and to anyone, for a definite interval, notwithstanding the differences characterising contexts as well as individuals needs and features. Hence, the understanding of reception that underpins these analyses is not particularly appropriate for grasping the forms that reception takes on its everyday manifestations on the ground, beyond texts and programmes. However, as Alison Mountz suggests, “written policies [...] tell only partial stories – idealised versions of what *might* be or what *should* happen” (Mountz 2010, p. 35, italics in the original). In formal approaches, reception is reduced to its institutional articulation and the mundane and localised practices through which asylum seekers are managed are not adequately considered.

The acceptance of this institutional framework leads formal analyses to assume reception as a ready-made object, which does not need to be problematized, but at most improved or made more effective, dignified, or functional. The focus is therefore on the internal coherence of the definition proposed by the RCD, its scope, the ways in which it is put into practice in different national contexts, or the measures that can be undertaken in order to achieve a more effective implementation. By assuming the official and abstract definition as the starting point of the analysis, formal approaches to the study of reception tend to focus on two main lines of critique. The first one concerns the very definition of reception conditions, which many suggest has to be improved because it is too ambiguous and leaves too much discretion to member states (Handoll 2007; Velluti 2014; 2016; Tsourdi 2015; 2016a). The second line of critique relates to the previous one, but focus specifically on the ways in which the definition is put into practice and thus implemented in different national contexts (Odysseus Academic Network 2006; Thornton 2014; ECRE 2015; Mouzourakis 2016). These two lines of critiques are explored in the next two sub-sections, sub-section 1.1.1. and sub-section 1.1.2., respectively.

1.1.1. Critiques Based on the Definition of Reception Conditions

The first line of critique is evident in three studies, two of which stress the drawbacks affecting the texts of RCD 2003 and RCD 2013, while the third examines RCD 2013 within a more comprehensive analysis of the CEAS. In the first study, John Handoll

(2007) analyses the ambiguity of the definition of “minimum standards for the reception of asylum seekers” included in RCD 2003 and observes that such ambiguity is reinforced by the directive itself. From his point of view, this is clear in recital n. 7 which states that minimum standards “will normally suffice to ensure [asylum seekers] a dignified standard of living and comparable living conditions in all member states”. According to Handoll, the requirement that minimum standards will “normally” ensure dignified standards seems to imply that “there can be cases where they will not suffice” (Handoll 2007, p. 207). For this reason, he observes that the interpretation of minimum standards could fluctuate between the two diverging poles of subsistence and dignity, thus allowing for diverging practices between member states. On the one hand, subsistence standards can translate into a poor support that is barely meant to provide basic needs and prevent poverty. On the other hand, a dignity-based approach allows for higher expectations which relate to the general well-being of asylum seekers.

The second study is provided by Lilian Tsourdi (2015), who similarly explores the relation between reception conditions and dignity in her analysis of the scope of application and level of material support provided by RCD 2013. Tsourdi observes that the directive “contains a wording which slightly enhances asylum seekers rights compared to the previous version” (Tsourdi 2015, p. 22). The author identifies the room for an improvement in art. 17.2, whereby the directive refers to “an adequate standard of living for applicants” that has to be ensured by material reception conditions. Moreover, such an adequate standard should also guarantee asylum seekers’ “subsistence and protect[s] their physical and mental health”. However, Tsourdi stresses how the lack of a “reasonable and objective benchmark” in the directive maintains a certain degree of ambiguity and vagueness around the notion of “adequate standard of living” (Tsourdi 2015, p. 24). According to the author, this ambiguity could have been avoided by referring to the level of social assistance provided for nationals in need.

The third study is the one of Samantha Velluti (2014) on the CEAS and the attempts to reform it. In this case, the object of the critique is not so much the ambiguity of the definition as the room to manoeuvre left to member states by the directive. Indeed, Velluti observes that national interests played a major role in watering down the

ambitions which featured in the original drafts of the recast legislative instruments presented by the Commission between 2008 and 2009. In particular, she notes that the abandonment of the feature of “minimum” in the recast directive did not go with a corresponding abandonment of “flexibility and a margin of appreciation on the part of the member states” (Velluti 2014, p. 29). Accordingly, with respect to reception conditions, she argues that the optional derogations and the scope for discretion left by RCD 2013 might impede the safeguarding of dignified standards of living for asylum seekers.

Despite the importance of the critiques proposed, these analyses present some problematic dimensions. First, they adopt what can be defined as an institutional understanding of power, which focuses on the state and overlooks the operation of power at the micro level of everyday practices of reception. As a result of such understanding of power, critiques based on the definition of reception conditions neglect the effects of reception measures in terms of disempowerment of asylum seekers, imposition of forms of support, and reproduction of asylum seekers’ passivity. Second, these types of analysis also downplay the fundamental role of discretion at the micro level of everyday practices. Indeed, even acknowledging that derogations and margins for discretion left to states might lead to inadequate standards, the removal or limitation of these margins do not automatically solve the problem. Discretion and arbitrariness might nonetheless mark the implementation of policies on the ground even when the scope for discretion is limited at the formal level. In other words, these approaches overlook the elements of ambiguity, opacity, and arbitrariness that characterise practices of governing even when laws, policies, and regulations appear unambiguous and straightforward.

1.1.2. Critiques Based on the Implementation of the Reception Conditions Directive

A second line of critique is represented by those analyses which explicitly or implicitly stress the gap between the “theory and reality of reception standards” (Mouzourakis 2016). In so doing, the implementation of the official definition of reception is identified as the main problem affecting the reception of asylum seekers in the EU. Nadine El-Enany (2013), for example, importantly points out the need to consider the

broader impact of restrictive migration policies on the reception of asylum seekers. She shows how restrictive border controls limit the access to reception measures in the first place, and thus suggests that reception cannot be analysed without taking into consideration such a broader policy framework including migration policies as well. Yet, with respect to reception measures for those who manage to arrive in the EU, El-Enany emphasises the “wide implementation gap between the EU reception directive and member states’ application of it, with the result that there is little real harmonisation of asylum standards across the Union” (El-Enany 2013, p. 178). Hence, the argument proposed by the author is, on the one hand, that restrictive EU migration policies limit access to protection and, on the other hand, that wide margins for discretion and implementation gaps undermine the process of harmonisation.

In this type of analysis, what deviates from the norm exemplified by the definition tends to be considered a distortion in comparison to the normative ideal of reception. The distortion is thus explained as an example of ineffective transposition (Odysseus Academic Network 2006; Thornton 2014), inadequate implementation (Odysseus Academic Network 2006; ECRE 2015; Velluti 2016), states’ excessive autonomy or misconduct (Thornton 2014; Velluti 2014; 2016), and so on. In other words, distortions are usually presented as flaws marking a gap between “proper” reception, that is the one that meets the standards required by the definition, and reception as it is, which needs to be improved in order to reach the “proper” standards (see Odysseus Academic Network 2006; ECRE 2015; Mouzourakis 2016; Velluti 2016). These distortions are thus like side-effects that have to be tackled and addressed in order to put into practice the normative definition of reception, which in turn is not questioned. It can therefore be argued that these gaps reinforce the normative ideal put forward by the formal definition, rather than calling into question its status and function.

Such a normative stance often results in an overvaluation of the possibilities offered by the process of harmonisation, as if it could lead to common standards which could in turn improve asylum seekers’ conditions and limit so-called “secondary movements” (see Velluti 2016). One of the drawbacks of placing too many expectations on harmonisation is to forget that harmonisation is not only an instrument of government, but also an “ambition” whose goal is not the achievement of a complete uniformity (Barry 1994, p. 48). At the very least, these approaches seem to

underestimate the scope for autonomy, spin, and adjustment tolerated by the policy of harmonisation. The consequence of this conception of harmonisation is the tendency to take for granted that the definition of higher standards in the directive and the effective implementation of its dispositions could succeed in improving reception conditions. In such a perspective, most challenges relating to the reception of asylum seekers tend to be reduced to a matter of implementation, as if similar procedures and more rights would immediately translate into better reception conditions for asylum seekers. It is therefore a perspective that resembles and reproduces the institutional discourse; in particular, the one proposed by the Commission, which repeatedly called for an effective implementation after the establishment of the CEAS, without calling into question its overall principles (see for example European Commission 2014a).

Against such an optimistic understanding of harmonisation, it is necessary to consider that the process of harmonisation is rather traversed by ruptures, frictions, and diverging interests, which make its outcome unpredictable. This is especially the case with reception as it is not a technical issue that can be standardised and reproduced mechanically. The outcome of harmonisation cannot be the objective result of “decisions made by some rational authority [which] reorganise bureaucratic action to solve particular ‘problems’ and produce a ‘known’ (or desired) outcome” (Shore & Wright 2011, p. 4). Rather, harmonisation is the unstable outcome of the interplay between different actors who may have competing agendas or different interpretations of the issues at stake. Hence, the process of harmonisation cannot be imagined as a linear progression which smoothly develops from formulation to the implementation on the ground, and it should rather be thought of as a contested and open process.

There are anyway authors that call into question excessive expectations placed on legislative harmonisation (De Bruycker & Tsourdi 2016; Pollet 2016). For instance, in their critical examination of possible future developments of the CEAS, Philippe De Bruycker and Lilian Tsourdi observed how “EU’s envisaged common system would need more than enhanced legislative harmonisation to reach its full potential” (2016, p. 474). From their point of view, legislative harmonisation needs to be integrated by three more pillars which are currently at an early stage in the EU policy framework, but that the authors think should be improved and strengthened. These pillars are: practical cooperation, which is expected to improve the implementation of the asylum

acquis and increasingly monitor member states; solidarity and fair-sharing of responsibility, which represent necessary steps towards a truly common system according to De Bruycker and Tsourdi; and enhanced external dimension policies, which the authors suggest should foresee legal ways of accessing protection and entering the EU.

Despite a more critical stance towards the CEAS, the analysis proposed by De Bruycker and Tsourdi can still be situated within the field of studies that is here defined as formal approaches. With respect to reception, their approach does not differentiate itself too much from the critiques mentioned above, which are based on the legal definition of reception and its effective implementation. The authors add an emphasis on practical cooperation and solidarity as elements that need to go with legislative harmonisation in order to achieve a functioning common system. Accordingly, the possibility of success of such a common system is not called into question and the same goes with the feasibility of harmonising reception conditions and managing asylum seekers in an orderly manner. For these reasons, analyses like the one proposed by De Bruycker and Tsourdi share similar horizons of meaning with institutional and policy discourse, thus also sharing some of its problematic aspects, which are discussed in the next section.

1.2. POLICY FAILURES REFLECTED IN FORMAL APPROACHES

While certainly addressing issues that affect the institutional character of reception in the EU today, the types of critique proposed by formal approaches have some problematic dimensions, which were highlighted in the previous section. This second section builds on such problematic dimensions in order to stress three negative implications which stem from formal approaches and reveal a fundamental correspondence between these approaches and EU policies towards asylum seekers. These negative implications are an indifference to contexts (sub-section 1.2.1.), an indifference to people (sub-section 1.2.2.), and a teleological narrative (sub-section 1.2.3.). As these features can be also attributed to EU policies and even identified as possible reasons for their failure, this section suggests that formal approaches reflect EU policies and, by doing that, come across some difficulties in tackling their repeated failure. Indeed, the commonalities between formal approaches and EU policies show

that the former tend to reproduce the institutional discourse as well as its problematic aspects, thus impeding effective accounts of policy failures. For these reasons, it is argued, formal approaches prove unable to shift the terms of the debate on the management of asylum seekers in the EU.

1.2.1. Indifference to Contexts

The first feature that shows how formal approaches reflect policies concerns an indifference to contexts, because of which the fundamental relationship between reception and the context in which it takes place is downplayed. Paraphrasing the description provided by Christina Boswell and Andrew Geddes in relation to migration policy, I suggest that reception policy is not just about reception, as other factors that influence its provision need to be taken into account (Boswell & Geddes 2011, p. 20). These factors include the organisation of welfare and healthcare, housing policies, levels of development, and the features of the labour market. For example, in some areas of a country, the healthcare system might lack the resources needed for treating people with specific needs, thus making the quality of reception measures provided to this group of people highly dependent upon the reception context. Equally, access to the labour market can differ widely. In the more disadvantaged areas, asylum seekers might therefore have a lot of difficulties in finding a job, thus remaining dependent on reception and social support for longer. Furthermore, levels of social support might also differ between contexts and therefore pave the way to differential treatments for unemployed asylum seekers.

These aspects are often overlooked by formal approaches, which therefore fail to acknowledge one of the most significant inconsistencies characterising the EU involvement in the field. Such inconsistency lies in the fact that, on the one hand, EU institutions attempt to harmonise reception conditions through the definition of common standards. On the other hand, however, they avoid a similar harmonisation in other policy spheres that are nonetheless closely related to reception, such as healthcare, housing, social welfare payments, and education. This discrepancy results in a high degree of heterogeneity of reception conditions, across as well as within states, as will be shown in Chapter 5. As a consequence, such heterogeneity is missed or at least downplayed in formal analyses of reception, in particular heterogeneity that

exists within states. At the same time, diverging practices between member states tend to be explained as a problem of ineffective implementation, as the previous section stressed.

Related to this indifference to contexts, there is another issue that extends the influence exercised by localities on reception conditions in the long-term. Formal approaches tend to overlook the long-term implications of reception. Indeed, these approaches are inevitably limited to the institutional time-frame defined by the official definition of reception, which conceives reception as a temporary measure starting with the application and ending with the definitive decision on the asylum claim. None of the works discussed in the previous section mentions the issue of the diverse treatments provided to asylum seekers once they receive a positive decision on their claim. Moreover, it is telling that two prominent books on the reform of the CEAS do not even touch on this issue as a problematic aspect undermining the overall effectiveness of the common asylum system (cf Velluti 2014; Chetail, De Bruycker & Maiani 2016). By ignoring the period following the concession of the protection, these analyses miss another major inconsistency that marks EU reception policies, which consists in the non-correspondence between the harmonisation of reception conditions and an equivalent harmonisation of “integration” measures for beneficiaries of international protection. The result of such discrepancy is that beneficiaries of international protection experience very different levels of support depending on where they find themselves at the time of the granting of protection, while simultaneously being prevented from settling in another EU country, as I discuss in Chapter 5.

At the same time, however, the place where asylum seekers find themselves at the end of the asylum process is the effect of precise policies. Indeed, the combination of the Dublin system along with a lack of mutual recognition of positive asylum decisions prevent asylum seekers and beneficiaries of international protection from moving freely in the supposed “common area of protection”. This makes quite clear that the effects of reception extend well beyond processing times because the first country of entry turns into a cage from which migrants can hardly escape in a legal manner. Importantly, such a combination of dispositions undermines the success of harmonisation as it produces extremely differential treatments of asylum seekers, despite the goal of providing equal treatment and uniform status throughout the EU.

Therefore, the lack of a long-term perspective impedes formal approaches from engaging satisfactorily with these problematic aspects of EU reception policies, which on the contrary tend to be reproduced by these analyses.

1.2.2. Indifference to People

A second problematic feature of EU reception policies that is reproduced by formal approaches concerns the indifference to people. Indeed, formal approaches mostly adopt a top-down approach that is utterly indifferent to the effects that reception policies have on asylum seekers. Despite being those who should benefit from reception measures, asylum seekers are often left aside in analyses on the CEAS, the reception conditions directive, and its implementation. When this is not the case, they are merely considered as objects of someone else's actions, being therefore objectified as mere target of policies as it is evident in debates on so-called "burden-sharing" (Thielemann 2004; Matrix Insight Ltd et al. 2010; Thielemann 2012). In this way, formal approaches reinforce the objectification that usually underlies policy documents and regulations, thereby reproducing their perspective.

"Burden-sharing" stands for another way through which reception has been indirectly studied. This notion refers to the identification of effective mechanisms for the allocation of costs and responsibilities for the reception of asylum seekers and the processing of their claims. It can thus be seen as an alternative to the allocation mechanism based on the Dublin system and the principle of the first country of entry. As some authors stressed, the concept of "burden-sharing" has quite a long history and developed outside the field of refugee protection (Thielemann 2012). However, especially since 1990s, it has featured more and more often in the discussions on asylum policies in the EU until it took centre stage again in the debates after the "refugee crisis".

A helpful introduction to the issue is provided by Eiko Thielemann (2012). Based on the classification first proposed by Gregor Noll (2000), Thielemann identifies three main types of "burden-sharing" mechanisms in relation to EU asylum policies. These types concern physical burden-sharing (sharing people), legislative harmonisation (sharing policies), and financial burden-sharing (sharing costs). It is evident that the

first type is the most controversial one as it implies the physical transfer and distribution of asylum seekers between member states. In this case, asylum seekers are literally conceived as objects to be moved from one place to another in order to satisfy criteria whose fairness is assessed according to member states' interests. The relocation mechanisms that are discussed in section 5.1. fit into this typology of burden-sharing, as do national dispersal schemes.

The second and third mechanisms also have several problematic dimensions. More specifically, the second type concerning legislative harmonisation exposes the link between harmonisation of reception conditions and imperatives of management of mobility, which I mentioned in the Introduction. In this respect, the harmonisation of reception conditions is expected to promote a fairer distribution of asylum seekers by “preventing member states from deflecting asylum-seekers to other member states through particularly restrictive national policy measures” (Thielemann 2012, p. 817). Here, asylum seekers are not only approached as objects of policy, but their practices of mobility are even explained as a mere reaction to supposed “pull factors” represented by states' policies. In this understanding, it is the state that deflects asylum seekers through its policies, while no room is left to asylum seekers' autonomous decisions to move to a place rather than another because of subjective reasons which cannot be merely explained by structural factors. The excessive character of movements that is discussed in Chapter 6 calls into question such a “push and pull” discourse in relation to migration and situates the thesis within perspective of the autonomy of migration.

The third type of “burden-sharing” provides for financial compensations for member states according to the number of asylum seekers received. These compensations have been taking place since 2000, when the European Refugee Fund (ERF)⁴² was established in order to support measures in the areas of reception, integration, and return. For the period 2014-2020, the Asylum, Migration and Integration Fund (AMIF)⁴³ has replaced ERF as well as other forms of funding in the field of

⁴² Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’ and repealing Council Decision 2004/904/EC.

⁴³ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC

migration.⁴⁴ With its emphasis on financial compensations, the third mechanism exposes the disturbing association between asylum seekers and the costs they represent. By framing the issue in terms of costs, this mechanism of “burden-sharing” reinforces the idea that asylum seekers are a problem to be managed. Indeed, asylum seekers are even presented as a “burden” that needs to be shared. In this regard, it also needs to be stressed that the very idea of “burden” stands for a disquieting parallel with the colonial era’s “white man’s burden”. Such parallel seems to hide the assumption that those who once had to be civilised now need to be saved and assisted.⁴⁵

1.2.3. Teleological Narrative

The third problematic aspect of EU reception policies which is reflected by formal approaches concerns the teleological narrative that is implied in the institutional discourse on the CEAS. This narrative presents the CEAS in very prescriptive terms, as a process still in the making whose outcomes are situated in an indefinite future. Such a teleological narrative is evident in a message made by the former Commissioner for Home Affairs, Cecilia Malmström, after the completion of the second phase of the CEAS:

The CEAS will provide better access to the asylum procedure for those who seek protection; will lead to fairer, quicker and better quality asylum decisions; will ensure that people in fear of persecution will not be returned to danger; and will provide dignified and decent conditions both for those who apply for asylum and those who are granted international protection within the EU. We have travelled a *tough road* to get here. But our achievement is not yet fully complete. We now need to put in a great effort to implement our legislation and ensure this common system will function well and uniformly.

(European Commission 2014b, p. 3 my italics)

and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC.

⁴⁴ Other funds in the domain of migration were the European Fund for the Integration of third-country nationals (EIF) and the European Return Fund (ERF).

⁴⁵ Perhaps, it was precisely the embarrassment about the idea of “burden” that led the attempts made by EU institutions to replace the concept of “burden-sharing” with more neutral expressions like responsibility-sharing or solidarity between member states. However, as noted by Thielemann (2012), these attempts “have had little impact on public policy debates in this area” (2012, p. 823 n. 15).

In this respect, asylum is a very paradigmatic example of the EU in general, given that “the governance of Europe is something always *in progress*” (Walters 2004a, p. 161 my italics).⁴⁶ A similar emphasis on the nature “in progress” of the CEAS is evident for instance in the assessment of the second phase instruments provided by Vincent Chetail (2016). In his conclusion, Chetail observes that:

While the harmonisation process has been reinforced and consolidated by the recast directives and regulations, there is still a *long road* for a genuine CEAS to be achieved [...] the second phase instruments are neither radically new nor truly common. They nonetheless constitute an *important step* towards a Common European Asylum System, which is rather a *work in progress* than a legal reality.

(Chetail 2016, p. 35 my italics)

The widespread adoption of metaphors like “road”, “steps”, and “progress” denotes an optimism which often informs formal approaches and reflects the promises made by policymakers. For example, in their analysis of the strengthening of EU institutions in the field of asylum after the Lisbon Treaty, Christian Kaunert and Sarah Léonard observe that “significant *steps* have been taken towards establishing a ‘Common Area of Protection’” (Kaunert and Léonard 2012b, p. 20 my italics). However, they also suggest that a lot of work still needs to be done because “asylum matters are not governed supranationally yet” (Kaunert and Léonard 2012b, p. 20). The authors do not focus directly on reception, but rather explore more broadly the institutional dimension of EU asylum policies (Kaunert and Léonard 2012b). However, it is useful to dwell a bit on their perspective as it offers a clear example of a teleological reading of the CEAS, which normatively assumes a greater EU involvement as a positive thing.

Kaunert and Léonard (2012b) analyse the CEAS through the framework provided by the concept of “supranational governance” in an explicit attempt to “assess how far the EU asylum policy has *travelled* on the *road* to supranational governance” (Kaunert and Léonard 2012b, p. 4 my italics). The concept of “supranational governance” was first introduced by Alec Stone Sweet and Wayne Sandholtz (1997) and stands for a clear departure from intergovernmentalist approaches to EU integration. While intergovernmentalism stresses the role of EU member states in deepening, containing,

⁴⁶ On the temporal dimension of the governmental activities of the EU see Ekengren (2002).

and directing cooperation,⁴⁷ Stone Sweet and Sandholtz intend to provide an alternative framework for the study of EU integration, which captures the role of supranational institutions and transnational actors in EU policymaking. The idea of “supranational governance” is precisely meant to explain the outcome of a process through which cross-border transactions produce demand for EU regulation, which supranational organisation then try to accommodate, thus paving the way to further integration and to a corrosion of states’ capacity to control policy outcomes. Their argument is therefore in line with neofunctionalist explanations of EU integration, according to which integration is the result of a functional spillover through which cooperation in some policy areas produces demand for further cooperation in new domains.⁴⁸

Besides proposing a teleological narrative which resembles the one from Commissioner Malmström quoted at the beginning of this sub-section, Kaunert and Léonard also replicate the narrative dominating EU studies. This narrative describes EU integration as a transition from intergovernmental cooperation to a supranational regime in which the role of EU institutions is increasingly pivotal. Such an interpretation is problematic because of its normative assumptions, on which basis a greater involvement of EU institutions in the field of asylum is presented as beneficial *a priori*, as if EU policymakers would necessarily take more progressive decisions. The underpinning assumption is thus that *more* harmonisation and *more* EU, intended as supranational governance, are what is needed for improving the conditions of

⁴⁷ Intergovernmentalism builds on the realist tradition in international relations, which highlights the centrality of sovereign nation-states in an international system which is deemed anarchical because it lacks a central world government. The leading proponent of intergovernmentalism was Stanley Hoffman (1995), who developed the main bulk of the theory in the 1960s. The theory was then refined by Andrew Moravcsik (1998), who proposed the model of liberal intergovernmentalism. Liberal intergovernmentalism combines “elements of neofunctionalism and intergovernmentalism, arguing that intergovernmental bargains are driven by pressure coming from the domestic level” (McCormick 2015, p. 23). For an introduction to intergovernmentalism and liberal intergovernmentalism, see Moravcsik (1993); Moravcsik and Schimmelfennig (2009); and Rosamond (2000, chapter 6).

⁴⁸ Neofunctionalism was developed in the late 1950s and early 1960s, especially through the work of Ernst Haas. This theory defines European integration as: “the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones” (Haas 1958, p. 16). For a fuller discussion of neofunctionalist theories, their core assumptions, and the criticisms they received, see Tranholm-Mikkelsen (1991); Rosamond (2000, chapter 3); and Niemann and Schmitter (2009). For a critical examination of the main debates in EU integration theory, see Rosamond (2000) and Wiener and Diez (2009).

asylum seekers. This position is clearly expressed by Kaunert and Léonard in another article, in which they observe that:

More “refugee-friendly” than Interior ministers, the growing presence of these institutions [European Commission, European Parliament and European Court of Justice] in the EU asylum policy venue has represented an increasingly important obstacle for those national policy-makers that are willing to develop more restrictive asylum provisions in the EU.

(Kaunert & Léonard 2012a, p. 1406)

An important thing to stress here is that the teleological narrative and its normative underpinnings have negative implications in terms of depoliticising effects. In this respect, it can be helpful to draw a parallel between the CEAS and the “will to improve” that Tania Murray Li (2007) located in the development apparatus. Drawing on the seminal work of James Ferguson (1994), Li describes the development apparatus as an “antipolitics machine” thanks to its “prodigious capacity [...] to absorb critiques” and to keep “the attention of many critics focused on the deficiencies of such schemes and how to correct them” (Li 2007, p. 276). “Although improvement seldom lives up to the billing”, she observes, “the will to improve persists” through the “endless deferral of the promise of development to the time when the ultimate strategy is devised and implementation perfected” (Li 2007, p. 276). Similarly, the deferral to an indefinite future depoliticises the working of the CEAS by keeping the attention focused on the deficiencies of the system and the ways for improving it. In this way, the overall framework of the EU asylum policies is safeguarded through the postponement of the achievement of its goals. From this perspective, as it is argued in Chapter 6, policy failure is turned into the engine for the constant renovation of governmental plans.

In summary, by implicitly accepting the ways in which issues are framed by policymakers, formal approaches replicate institutional terms of debate, as well as their assumptions and negative aspects. This section focused specifically on three negative aspects, which concern an indifference to contexts, an indifference to people, and a teleological narrative. While the indifference to contexts and to people are key reasons for the failure of the EU reception regime to govern asylum seekers through

harmonisation and the Dublin system, as Chapter 5 and 6 demonstrate, respectively; the teleological narrative depoliticises analyses of the CEAS. For these reasons, it is necessary to raise critical questions about the ability of formal approaches to effectively examine the failure of the CEAS. To this effect, a change of perspective is needed and this specifically requires an approach to reception that distances itself from the institutional discourse. Such an approach is provided by studies of reception practices which are reviewed in the next section. By understanding reception as a contextual and relational practice, these studies avoid some shortcomings affecting formal approaches and offer important insights for grasping the tensions which impede the success of policies.

1.3. STUDIES OF RECEPTION PRACTICES

While formal approaches focus on the institutional, legal, and policy-related dimensions of reception, studies of reception practices shift the emphasis to what can be defined its social dimension. These studies understand reception as a ‘social fact’ rather than as a mere juridical and institutional relationship, meaning that they draw attention to the multifaceted, localised and lived manifestations of reception, beyond rights written on paper. Indeed, the notion of reception practices denotes the “localised, everyday, human, and thus unique, dimension” of the encounters that constitute the provision of reception (Urru 2011, p. 63).⁴⁹ Accordingly, this literature gives prominence to practices, relations, and experiences which mark a specific reception setting. In this way, a particular emphasis is placed on the contexts of reception, on the power dimensions which traverse them, and on the effects on people involved in what are in fact *relationships* of reception. For these reasons, studies of reception practices differ significantly from formal approaches and provide a change of perspective on reception, which is particularly appropriate for moving beyond the shortcomings discussed in the previous section. By reviewing specific examples from the literature on reception practices, this section outlines the benefits which derive from their focus on local contexts of reception (sub-section 1.3.1.), on the relational aspects of

⁴⁹ The translation is mine as in all the other cases in which the source of the quotation is not available in English. My own translation is also provided in the excerpts from the interviews that were carried out in Italy and in Italian. The language of the interviews made in Sweden, instead, was English.

reception (sub-section 1.3.2.) and on the asymmetrical power relationships underpinning it (sub-section 1.3.3.).

1.3.1. Contexts of Reception

Studies of reception practices are often based on the ethnographic method and offer rich and empirically grounded analyses of local contexts or specific issues affecting a context of reception (Van Aken 2008; Sorgoni 2011a). Without claiming to be exhaustive, this sub-section forms a brief review of some studies produced in the European context with the goal of stressing the geographical and contextual diversity as well as the range of facets addressed by this literature. One of the first works in this respect is the one by Mauro Van Aken and his research group on the institutional and informal forms of reception and support provided to asylum seekers and beneficiaries of international protection in Milan, Italy (2008). The study highlights the specificity of seeking refuge in Milan by focusing on the forms of support available in the city, the features and conditions of accommodation centres, and the types of services offered to asylum seekers and beneficiaries of international protection (Ciabbarri & D'Angelo 2008; D'Angelo 2008). Moreover, this ethnography also explores the experiences in the city of three groups of people; namely, female asylum seekers (Pinelli 2008), Kurdish refugees (Armelloni 2008), and refugees from the Horn of Africa (Ciabbarri 2008).

A similar study was carried out again in the Italian context and precisely in Ravenna by a research group directed by Barbara Sorgoni (2011a). The object of this ethnography is the institutional set of measures provided to asylum seekers and beneficiaries of international protection by the local social services agency (*Consorzio dei Servizi Sociali*) within the framework of the national system for the protection of asylum seekers and refugees (SPRAR). The study retraces ethnographically the manifold encounters between asylum seekers or beneficiaries of international protection and institutional actors during the different stages of their participation in the support program. More specifically, the study explores the initial phase of collection of the story of the asylum seeker and the preparation to the asylum interview (Pozzi 2011); the everyday relationship between reception officers and those assisted (Urru 2011); the relationship between voluntary teachers and asylum seekers during

Italian classes (Vianelli 2011); the issues affecting the provision of psychological support (Starna 2011); and the problematic aspects underpinning the measures meant to promote refugees' autonomy, such as job-search, internships, and vocational training (Gianfagna 2011).

Besides these two ethnographies, there are other investigations which are smaller in the scope of the analysis, as they were not carried out by teams of researchers, but equally provide important contextualised analysis of reception practices. Carolina Kobelinsky (2010a), for example, carried out an extended ethnography in a French reception centre (CADA – *Centre d'accueil des demandeurs d'asile*), showing the ways in which reception turns into a veritable “politics of waiting” as well as the effects of such a politics on both asylum seekers and those working in the centre. Moreover, ethnographies of governmental reception centres were also carried out by Giuseppe Campesi in Apulia, Italy (2014); Barbara Pinelli in Sicily, Italy (2013; 2015); Katerina Rozakou near Athens in Greece (2012); Alice Szczepanikova in the Czech Republic (2013); and Zachary Whyte in the Bornholm Island, Denmark (2011a; 2011b). Even if each of these studies stresses the specificity of the setting examined, placing the emphasis on specific aspects which mark the context of reception under analysis, they all share an understanding of reception as a practice. In other words, they address reception as a relational and contextual phenomenon which has to be studied beyond its formal and institutional dimension.

Another important study that underscores to the importance of studying the contexts of reception is the one made by Sieglinde Rosenberger and Alexandra König in relation to Austria (2012). Here, the authors do not provide an ethnography of a specific context or reception centre, but they rather examine the transposition and implementation of RCD 2003 in Austria with a specific focus on regulations and forms of control targeting asylum seeker in collective centres. To some extent, this study could thus be situated within the second line of critique mentioned in the section 1.1., given its emphasis on implementation and on the ambiguity of the notion of minimum standards of reception. Yet, thanks to the empirical character of the research, Rosenberger and König manage to move beyond formal approaches by pointing out two key issues that are normally silent in those analyses. First, they highlight the conflicting interests between the Austrian federal government and provinces, thus

drawing attention to the inter-institutional conflicts that might affect reception policies and complicate the smooth implementation of EU and national policies. Second, they stress the role of diverging practices within the same national framework, which result in differential treatments for asylum seekers depending on the location, the type of accommodation offered, and the expertise of the actors involved in the provision of reception.

In summary, the literature discussed in this sub-section highlights the specificity of contexts of reception, thus exposing to the heterogeneity that informs reception practices not only between states, but even within the same country, as Chapter 5 demonstrates. Thanks to a contextualised approach, normally carried out through qualitative methodologies, these analyses expose the multiple forms taken by reception on the ground and identify specific issues that mark the relationships between institutions and asylum seekers in diverse settings. In this way, these studies shift the focus away from the legal definition of reception and propose a perspective that acknowledges the difficulties, or indeed even the impossibility, to create a level playing field through the policy of harmonisation. This is therefore the first strength of the approach proposed by studies of reception practices, which this thesis endorses. A second strength is discussed in the next sub-section and concerns a relational understanding of reception.

1.3.2. Relational Aspects of Reception

The second aspect that differentiates studies of reception practices from formal approaches relates to the emphasis on the relational aspects of reception which characterises the former. By focusing on practices, this literature inevitably appreciates the always-already relational dimension of reception, which takes shape in the encounters between actual human beings and is therefore inseparable from affective relations, beliefs, and expectations. It is precisely such localised, everyday, and human dimensions that makes these encounters, as well as the experiences of reception that they involve, so unique. Such an emphasis on the embodied and relational dimensions of reception provides a privileged vantage point from which to investigate the effects of policy on the ground and on the people involved. Notably, the people involved are not only the supposed “recipients” of policies, but also those “street-level bureaucrats”

(Lipsky 1980) who in different ways interact with asylum seekers in the provision of reception measures.⁵⁰

Some examples of possible effects of reception on asylum seekers are discussed in the next sub-section, which focuses on the asymmetries of power that characterise reception practices and foster processes of infantilisation which reproduce dependence and passivity. With respect to the effects on “street-level bureaucrats”, Kobelinsky explores the predicament of social workers⁵¹ who are employed in two reception centres in France (2008; 2010b). She describes such predicament as the “dilemma of social workers” (Kobelinsky 2010b, p. 399), whereby this expression captures the condition of those assisting asylum seekers, who increasingly find themselves trapped in two combined logics that somehow negate the underlying principles of their job. On the one hand, there is a policing logic which gives rise to ever more repressive duties of control and surveillance. On the other hand, there is a logic of numbers which turns social workers into accountants who are required to comply with management imperatives. In the examples provided by Kobelinsky, this dilemma becomes particularly evident when social workers are obliged to expel rejected asylum seekers from reception facilities.

From a different perspective, Francesco Vacchiano also explores the effects of policies on those who work with asylum seekers by focusing specifically on the changes produced by the hegemonic discursive order on the attitudes of social workers (2011). In his historical analysis based on a reception programme in Turin (Italy), Vacchiano

⁵⁰ I refer specifically to social workers, NGO workers, reception officers, civil servants, volunteers, and all those figures who deal on a daily basis with asylum seekers accommodated in reception facilities.

⁵¹ For the sake of simplicity, the term *social worker* is here used as a translation of the French *travailleur/travailleuse social/e* as well as the Italian *operatore/operatrice dell'accoglienza*. It is nonetheless important to keep in mind that these terms have different nuances in their respective contexts and this in turn might have significant implications for the ways in which reception is conceived and implemented in different national and linguistic contexts. This constitutes an interesting line of research which exceeds the scope of this work, but some linguistic clarifications are needed nonetheless. The role of *travailleur/travailleuse social/e* in the French context presents similarities with the role of the social worker in the British context, despite the different welfare systems between the two contexts. Yet, while those who work in a reception centre in France are referred to as (specific types of) *travailleurs/travailleuses sociaux/sociales*, those carrying out similar tasks in the UK would probably be defined “caseworkers”, whereas the term *social worker* refers primarily to those who provide social services at the community level. The Italian version, instead, specifies precisely those who are employed in the reception of asylum seekers and beneficiaries of international protection; indeed, the literal English translation of *operatore/operatrice dell'accoglienza* would be something like reception professional/worker.

observes how these attitudes have gradually shifted from a compassionate and indulgent posture, mainly driven by humanitarian ideals, to a more suspicious one. According to the author, such a shift is the result of a “new moral economy of intervention” (Vacchiano 2011, p. 182), which is meant to select deserving subjects and get them ready to work. His analysis then goes on by noting how such a new attitude ends up transforming the identification of “true refugees” into a key concern not only for processing authorities, but also for those involved in reception practices. Indeed, the social workers who participated in the research increasingly expected asylum seekers to behave as “true refugees”, whereby this seemed to imply a needy, passive, grateful, and traumatised posture. This leads Vacchiano to argue that reception practices run the risk of becoming part of a “complex lie detector” (Vacchiano 2011, p. 192) intended to certify “true refugees” and prescribe specific behaviours.

However, the emphasis on the relational dimension of reception is not only important for exploring the ways in which people are affected by policies and governmental practices. On the contrary, it also allows the identification of the multiple ways through which both asylum seekers and those who work with them engage with policies and regulations, thereby taking them to unexpected directions. On the one hand, studies of reception practices show how asylum seekers are not mere objects of policy, who passively withstand the measures targeting them, whether these are meant to control or assist them. Quite the contrary, the literature emphasises how asylum seekers challenge, refuse, or rework such measures (Van Aken 2008; Cabot 2013). On the other hand, these studies also stress that “street-level bureaucrats” do not simply follow orders and directives from above, but challenge and adapt them (Mountz 2010; Vianelli 2014a), or even benefit from the huge margins of discretion left by dispositions (Van Aken 2008; Kobelinsky 2010b; Sorgoni 2011a; Cabot 2012). In other words, by adopting a qualitative approach, studies on reception practices emphasise the central role played by individuals despite institutional constraints and even within supposedly unbreakable systems of power and control.

With respect to asylum seekers, the research carried out by Van Aken and his collaborators in Milan highlights the efforts to regain autonomy and independence which are made by those who receive support. The authors stress how these efforts

might even require asylum seekers to “circumvent or manipulate the support provided” (Van Aken 2008, p. 23). For example, this was demonstrated by asylum seekers’ attempts to navigate between the need to be flexible and mobile and an institutional framework of reception based on their residence in a specific.

While institutions required asylum seekers to stop in one place in order to receive support and fulfil their bureaucratic obligations, asylum seekers had to be mobile in order to look for a job or find support networks. However, the authors also draw attention to more visible forms of resistance as in the case of a group of migrants who started a political mobilisation against the poor living conditions which they had to experience (Ciabbarri & D’Angelo 2008, pp. 79-88). Despite having a regular permit of stay and in many cases even a protection based on humanitarian grounds, these migrants were nonetheless forced to sleep rough and in extremely vulnerable conditions in the outskirts of the city. Hence, they self-organised and squatted a building in the city centre, thus becoming a political subject which began some negotiations with local institutions (Ciabbarri & D’Angelo 2008).

Furthermore, subtler forms of what De Certeau calls “tactical manoeuvring” (cited in Cabot 2013, p. 453) deployed by asylum seekers are also stressed by Heath Cabot, who investigates the activities of a Greek NGO supporting asylum seekers. In particular, Cabot explores the practices of determination of client eligibility and highlights how the practices she observed were often based upon specific assumptions about the features of the “deserving” client. “Deserving” clients had to perform the role of the victim, which could allow them to obtain a form of protection. In other words, eligibility was “partially embedded in juridical potentialities: the categories of legal protection that particular persons could be said to fit in” (Cabot 2013, p. 452). However, drawing from her ethnographic material, Cabot shows the active role played by asylum seekers in either performing the part expected from them or refusing it. Rather than depicting asylum seekers as victims, her analysis thus highlights the ability of asylum seekers to play the system by performing as victims or challenging it by destabilising “dominant images of deservingness and vulnerability” (Cabot 2013, p. 462).

Besides illuminating migrants' subjectivities, the investigation by Cabot is also important because it sheds light on the fundamental role of discretion in the activities of support and management of asylum seekers.⁵² The NGO workers that she studied reveal a significant degree of power when it comes to decide which "clients" are eligible and thus who can legitimately claim protection. Importantly, such a room to manoeuvre does not seem a prerogative of that particular NGO, given that Cabot herself (2012) as well as Van Aken (2008), Kobelinsky (2010b) and Sorgoni (2011a) emphasise widespread discretionary practices deployed by institutions and bureaucracies in their everyday relationships with asylum seekers. The acknowledgement of the significance of discretion in reception practices provides an important argument for problematising the emphasis on implementation that characterises formal approaches discussed in section 1.1. Indeed, by focusing primarily on the need to reduce states' room to manoeuvre, formal approaches overlook that reception is relational and often taking place in conditions of ambiguity and discretion, in which power asymmetries are crucial as it is discussed in the next sub-section.

Yet, if on the one hand such discretion paves the way to highly differentiated treatments for asylum seekers, on the other hand it reveals that individuals have a key role in shaping reception practices, despite institutional constraints and power asymmetries. In fact, indeterminacy and discretion can also give "street-level bureaucrats" the opportunity to be subversive in their daily activities (Vianelli 2014a). This point is also emphasised by Alison Mountz in her ethnography of the daily practices implemented by the Department of Citizenship and Immigration Canada (CIC) in order to police borders and manage those seeking asylum. For example, Mountz observes that the CIC employees lacked clear guidelines on the procedures to be adopted during the interception of smugglers at sea and therefore they "themselves created policy at a regional level as they proceeded" (Mountz 2010, p. 35). Even if they had to conform to the law, Mountz shows how law and regulations were often seen by CIC employees as "a barrier to be subverted rather than a guiding force in day-to-day work" (Mountz 2010, p. 35). This is clearly expressed by a civil servant

⁵² For a discussion of procedural discretion in the context of asylum appeal hearings, see instead Gill, Rotter, Burrige & Allsopp (2017).

interviewed by the author, who admits: “most of us knew that the policy says that. But you’ve got to get your job done” (Mountz 2010, p. 35).

1.3.3. Asymmetries of Power

Besides drawing attention to the effects of policies and the ways they are reworked and challenged on the ground, the understanding of reception as an encounter also exposes the asymmetries of power characterising reception practices. Drawing on the seminal work of Barbara Harrell-Bond (1986), who focuses on humanitarian assistance to Ugandan refugees in camps in South Sudan, several studies describe reception as based on unequal relationships between those who receive and the recipients of support measures. For example, the above-mentioned ethnographies by Sorgoni (2011a) and Van Aken (2008) explore support programmes and practices in terms that show how these are based on a fundamental lack of reciprocity, which situates asylum seekers in a subordinate position because of their supposed helplessness. For this reason, in both analyses, the help provided to asylum seekers turns out to be also imposed on them as well as based on the assumption that asylum seekers are victims for whom any kind of help is deemed beneficial. As if that were not enough, the authors show how asylum seekers were even expected to appreciate any kind of help received, by showing gratitude to those helping them. Furthermore, research has shown how such processes of victimisation legitimise practices of infantilisation and dehumanisation as well as the promotion of conditions of passivity and dependence (Harrell-Bond 1986; Malkki 1992; Van Aken 2008; Kobelinsky 2010b; Sorgoni 2011a).

The dynamics of infantilisation at stake in reception practices expose the pedagogical character of reception programs, which is emphasised by Barbara Pinelli in her ethnography of a governmental reception centre in Sicily (2013; 2015). In Pinelli’s perspective, reception programs reveal a pedagogical character by prescribing specific modes of behaviour which are deemed more appropriate for the hosting society. Notably, Pinelli focuses on the moral and disciplinary regimes targeting female asylum seekers by investigating the significant number of daily rules aimed at governing the most intimate aspects of the life of the women accommodated in the centre. She observes that “bodies, health, food, family relations, child rearing” (Pinelli 2015, p.

13) are all targeted by techniques of control aimed at producing a specific type of female subjectivity, which is imagined as “emancipated and self-reliant” (Pinelli 2015, p. 13). Reception practices thus acquire a moral dimension which allows the articulation of control within an emancipatory project that is carried out for the good of the guests of the centre. In this way, the author argues, women in the centre are not simply controlled, but trained to behave like “responsible mothers and modern and autonomous female subjects” (Pinelli 2015, p. 13).

The intertwining between control and assistance that Pinelli highlights is addressed by several studies, to the extent that it appears in fact as a key feature of reception practices. In the work by Rosenberger and König (2012), for example, the authors identify the minute forms of control over daily life imposed on guests in collective reception centres in Austria. Just to name a few examples, these regulations include the control over private space, the rigid schedules for cooking or cleaning, and the need to be authorised for receiving guests or staying out overnight. According to the authors, the emphasis on control transforms reception practices into “institutionalised forms of control over time and space” (Rosenberger & König 2012, p. 539), which “structurally separate[s] asylum seekers from the host society” (Rosenberger & König 2012, p. 551). Interestingly, the accommodation centres in Czech Republic that are analysed by Alice Szczepanikova (2013) also involve a similar emphasis on control. For Szczepanikova, the intertwining of control and assistance produces an “oppressive environment” (Szczepanikova 2013, p. 130) which keeps asylum seekers in a passive condition and thus fosters their dependence.

The focus on the contextual and relational dimensions of reception, which is typical of studies of reception practices, illuminates the asymmetries of power that inform the provision of support, thereby leading to forms of victimisation, infantilisation and oppression. It is precisely because of these three aspects – a focus on local contexts, an attention to the relational aspects of reception, and an acknowledgement of the power dimensions at stake in reception practices – that studies of reception practices differ from formal approaches. Thanks to these features, studies of reception practices offer a different standpoint on reception, which this thesis adopts. Such a way to look at reception is particularly suited to address the failure of EU policies in this field. Indeed, the emphasis on the specificity of contexts and on the “tactical manoeuvring”

used by asylum seekers and those who work in reception programmes call into question the linearity of the process of harmonisation and problematise the teleological underpinnings that characterise formal approaches. Moreover, the acknowledgement of the centrality of power relations in the provision of reception undermines an understanding of reception as a set of rights and services that can be smoothly replicated over time and space, such as the one proposed by EU policies and reflected by formal approaches.

CONCLUSION

The aim of this chapter has been to clarify my way of looking at the reception of asylum seekers by identifying shortcomings and strengths in the existing literature on the subject. For analytical purposes, two main bodies of literature were identified, each of which representing a distinctive understanding of – and consequently approach to – reception. The first literature adopts what I defined a formal approach to the study of reception, while the second one understands reception as a practice which is intrinsically contextual, relational, and traversed by asymmetries of power. The first section focused on formal approaches in order to draw attention to their emphasis on the legal, institutional, and policy-related dimensions of reception and therefore on the texts, policies, laws, and institutions, which constitute its domain. Resting on the legal definition of reception, these studies tend to accept institutional terms of debate and thus replicate their problematic aspects, which were explored in the second section and consists in an indifference to contexts, an indifference to people, and a teleological narrative which has normative and depoliticising effects.

The third section introduced studies of reception practices, whose approach to the analysis of reception is considered particularly fitting for examining the failure of the attempts to harmonise reception conditions and manage asylum seekers' mobility. Indeed, this strand of literature distinguishes itself from formal approaches by focusing on local contexts, attending to the relational aspects of reception, and exploring the power dimensions at stake in reception practices. It therefore offers a different perspective on reception, which does not reflect the institutional discourse of the EU and is instead well-suited for grasping the tensions which impede a smooth implementation of policies.

By focusing on the contextual, relational and asymmetrical character of reception, these studies expose what I define as the “excess of reception”. Such an excessive dimension refers to the multiple and heterogeneous forms and features that characterise reception practices, despite institutional efforts to present it as an abstract and predetermined procedural process. Due to the highly embodied and contextual nature of reception, many heterogeneous practices, experiences, and local arrangements exist within as well as across EU member states (see for example EMN 2014). It is precisely such excessive character which makes harmonisation an inherently flawed project and frustrates governmental attempts to manage asylum seekers through the harmonisation of reception conditions, as Chapter 5 specifies in greater detail. Hence, the CEAS fails to create a level playing field because of such excessive character of reception, which derives from it being a social practice that is embodied in specific encounters and entangled in specific contexts, as studies of reception practices demonstrate. By enabling the identification of such excess, these studies are therefore in a privileged position for exploring the failure of the harmonisation of reception conditions.

Besides highlighting the excess of reception, studies of reception practices also reveal significant intersections between the contexts analysed, notwithstanding their specificity. Discretion (Van Aken 2008; Kobelinsky 2010b; Sorgoni 2011a; Cabot 2012), the tension between control and assistance (Rosenberger & König 2012; Pinelli 2013; 2015; Szczepanikova 2013), moral and pedagogical dimensions of reception (Kobelinsky 2010b; Pinelli 2013; 2015), the politics of waiting (Kobelinsky 2010a), and the frustration of those who work in this field (Mountz 2010; Sorgoni 2011a; Vianelli 2014a), are all issues that emerge across different case-studies. These connecting features seem to outline common trends in the management of asylum seekers, which cut across national borders. Yet, these possible common trends are barely explored by studies of reception practices, as they tend to focus on specific local settings and issues, thus privileging depth instead of breadth. In a sense, the strength of these analyses – a situated, contextual, and localised investigation of reception practices – is at the same time their limitation, given that an in-depth, context-specific approach prevents them from addressing the convergent dynamics that seem to connect different places.

A partial exception is provided by the edited volume *Chiedere asilo in Europa. Confini, margini e soggettività* (Applying for Asylum in Europe. Borders, Margins, and Subjectivities) (Sorgoni 2011b), which includes the work of some of the authors discussed in the previous section. This volume is particularly relevant and innovative, as it stands for one of the first attempts to compare bureaucratic practices that inform the relationships between asylum seekers and those in charge of supporting them in different European contexts. In particular, the book gathers ethnographic contributions from diverse local contexts in Denmark, France, Greece, Italy, and UK, with a threefold objective: first, to explore different types of relationships and encounters that take shape in reception centres; second, to investigate the ways through which everyday administrative, legal, and medical practices prescribe specific types of subjectivities and thus reveal a pedagogical intent; and third, to analyse the strategies adopted by asylum seekers and beneficiaries of international protection in the situations and relationships investigated (Sorgoni 2011c, p. 25).

The volume thus stands for a notable attempt to situate empirical investigations of local practices of reception within a wider framework of analysis. It therefore represents an inspiring example which played a fundamental role in the conception and development of my research. Nonetheless, this thesis intends to do something different than a comparative analysis between localised reception practices. It rather explores the ways in which these practices speak to broader EU-wide dynamics, with the goal of grasping their overall intelligibility and understanding whether they can be ascribed to a broader apparatus of power targeting asylum seekers in the EU. As such, the thesis looks at reception in a way that resembles the one adopted by studies of reception practices, but it differs from them as concerns the scope of the analysis and, in turn, the target of critique. For these reasons, the Introduction stressed the need to combine a contextualised approach with a translocal and multi-sited analysis, which is suited for grasping the EU dimension of the processes examined.

In this way, the thesis differentiates itself both from formal approaches to the study of reception and from studies of reception practices. With respect to the former, my approach differs because it adopts a contextualised and relational approach to reception, which understands reception as a social practice as opposed to an abstract

and fixed procedure that is supposed to give an equivalent access to a set of rights and provisions. As far as studies of reception practices are concerned, my approach differs because it situates the analysis at the intersection between localised practices and EU-induced processes, thus broadening the scope of critique. Ultimately, the thesis aims to shift the terms of the debate on the reception of asylum seekers in the EU by exploring the features and modes of operation of a possible EU government of asylum seekers. With this expression, which is replaced by the notion of EU reception regime in Chapter 3, I refer to the complex, multiple and contested ways through which asylum seekers are governed through reception in the EU. Central to the idea of a EU government of asylum seekers is the work of Foucault and in particular his reflections on governmentality, which are introduced in the next chapter.

CHAPTER 2

THE FOUCAULDIAN TOOLBOX AND THE STUDY OF RECEPTION

This chapter establishes the theoretical terrain from which the study of the EU government of asylum seekers proceeds. The intention to explore the features of a possible EU government of asylum seekers, which I briefly declared in the Introduction, reveals the Foucauldian character of this thesis. What is commonly referred to as the Foucauldian analytical toolbox is indeed a fundamental source of concepts, insights and resources for investigating the ways in which asylum seekers are currently governed through reception in the EU.⁵³ However, the Foucauldian toolbox is so rich and composite that a whole thesis would not suffice to introduce it successfully.⁵⁴ Indeed, Foucault's intellectual production took different forms such as published books, interviews, lectures, public debates and so on. His books explored topics as diverse as madness (Foucault 2006a), medical knowledge and practice (2003a), prisons and punitive mechanisms (Foucault 1991a), and sexuality (Foucault 1978; 1986; 1990). Besides that, he also published a small book on mental illness and psychology (Foucault 1976), a long introductory essay on the phenomenological psycho-analyst Ludwig Binswanger (Foucault & Binswanger 1986), and a book on the French writer Raymond Roussel (Foucault 1987).

Such a rich and multifaceted production complicates a totalising and linear reading of the work of this important author and prevents one from the temptation of fixing his thought into clear and inflexible categories. In other words, such a richness calls into question “that unity and sacredness of the author, which Foucault himself systematically tried to destroy and neutralise” (Cesaroni 2010, p. 18). Foucault's intellectual trajectory was indeed made of continuous changes of direction as concerns

⁵³ Foucault himself described his work in the following terms: “I would like my books to be a kind of tool-box which others can rummage through to find a tool which they can use however they wish in their own area. [...] I would like the little volume that I want to write on disciplinary systems to be useful to an educator, a warden, a magistrate, a conscientious objector. I don't write for an audience, I write for users, not readers.” (Foucault 1994, p. 523-524). This passage was translated into English by Claire O'Farrell and is available at: <http://www.michel-foucault.com/quote/2004q.html>

⁵⁴ For a brief but effective introduction to the work and thought of Foucault, see Veyne (2010). Another important reading is the book by Gilles Deleuze (2006), who explores some key aspects of Foucault's thought. The introductions to the three-volume collection *Essential Works of Foucault 1954-1984* also serves as a useful overview of Foucauldian investigations (Rabinow 1997; Faubion 1998; Gordon 2002). Furthermore, see the recent books by Stuart Elden on *Foucault's Last Decade*, which covers the period 1974-1984 (2016), and on the work of Foucault in the period 1969-1974 (2017).

the focus of analysis as well as a constant renovation of methodological and conceptual tools forged in an attempt to diagnose the present (Foucault 1999). The vitality of Foucault's production led Clifford Geertz to describe the French philosopher as "a kind of impossible object: a nonhistorical historian, an anti-humanist human scientist, and a counter-structuralist structuralist" (1978).⁵⁵ Geertz goes on by likening Foucault's work to "an Escher drawing – stairs rising to platforms lower than themselves, doors leading outside that bring you back inside". These words certainly capture the "restlessness" which characterises Foucault's theoretical production (Chignola 2014, p. 6).⁵⁶

In the context of such a vast amount of work, this thesis only focuses on those elements of Foucault's analytical toolbox which are considered most useful for the following empirical analysis. These elements are: governmentality, the analytics of power and the related understanding of resistance, the notion of power-knowledge, the idea of politics of truth, the genealogical method, and the concept of the *dispositif*. Among these conceptual tools, Foucault's reflections on governmentality are the main inspiration for the analysis proposed by the thesis. Indeed, Foucault's work on governmentality allows one to interpret reception as a form of government, thus addressing some of the drawbacks affecting the literature on reception which were discussed in the previous chapter. On the one hand, a governmentality-informed analysis of reception tackles the shortcomings which characterise what I defined as formal approaches to the study of reception, such as their indifference to contexts, to people, and their teleological underpinnings. On the other hand, governmentality provides significant conceptual resources for situating a variety of reception practices taking place in an equally wide range of contexts in a common analytical framework, which I tentatively defined as the EU government of asylum seekers.

The concept of governmentality was not developed by Foucault in any of his publications but was only introduced in his lecture course on *Security, Territory, Population* (2009) and further explored in relation to liberalism and neoliberalism in

⁵⁵ The reference was first proposed by Hubert Dreyfus and Paul Rabinow (1983, p. xviii).

⁵⁶ In *The Archaeology of Knowledge*, Foucault stressed his taste for the labyrinth: "into which I can venture, in which I can move my discourse, opening up underground passages, forcing it to go far from itself, finding overhangs that reduce and deform its itinerary" (Foucault 1972, p. 17).

the following course *The Birth of Biopolitics* (2008). It is therefore important to consider Foucault's reflections on governmentality as part of an ongoing research process, whose consistency was tested during the lectures at the Collège de France. Accordingly, as it will become clear in the following pages, the thesis does not understand governmentality as a complete theoretical framework which offers ready-made interpretations and solutions to the research questions driving this research. Indeed, this would end up leading the analysis to "a set of conclusions that can almost be predicted in advance" (Walters 2012, p. 42). On the contrary, the thesis understands governmentality as a mode of analysis which can be productively adopted for the study of the reception of asylum seekers in the EU.

While my understanding of governmentality as a mode of analysis is clarified in Chapter 3, in which I will also review the reception of the concept after Foucault's formulation, this chapter introduces all the conceptual tools that are employed in the following analysis. In this way, the chapter serves a twofold function. On the one hand, it contextualises the notion on governmentality within the broader work of Foucault and thus connects it to his reflections on genealogy, power and resistance, which are crucial steps in the intellectual journey which led to the definition of governmentality. Such a contextualisation should therefore facilitate a more thorough understanding of governmentality, which is also consistent with Foucault's use of the concept. On the other hand, the chapter provides the necessary theoretical foundation for the work carried out in the remainder of the thesis. Besides introducing the conceptual tools that are employed in the empirical chapters, the review of Foucault's work helps making clear what is meant by the reference to a EU government of asylum seekers and to the idea of reception as a form of government.

The chapter starts by exploring Foucault's increasing interest in the issue of power, which led him from the archaeological studies of the 1960s to the introduction of the concept of the *dispositif* in 1978 (section 2.1.). While the archaeological works focus on the discursive level and on the conditions of possibility of knowledge, the *dispositif* points out the impossibility to separate discursive and non-discursive levels and, in turn, the fields of knowledge and power. Two crucial steps in such a theoretical development were the introduction of the concept of power-knowledge, which allows Foucault to emphasise the co-implication between the two, and the definition of the

genealogical method, which allows the identification of the operation of power in the production of knowledge. The section also stresses the importance of the question of truth in the work of Foucault, and specifically the relation between production of truth and exercise of power, as this provides the basis for the discussion of the politics of truth at stake in the EU government of asylum seekers, which is offered in Chapter 5.

After tracing the path through which the issue of power acquired a central position in the thought of Foucault, the second section focuses directly on his reflections on power and the related understanding of resistance as immanent to power relations (section 2.2.). Foucault defines power in relational, microphysical, dispersed, and productive terms, thus proposing a type of analysis which investigates the operation of power beyond institutions. The section argues that Foucault's analytics of power serves as an important inspiration for the investigation of reception, as the latter can be ultimately interpreted as a power relation. In this respect, the analytics of power recommends the following instructions for the analysis of reception: to study reception outside institutions and beyond its legal dimension; to acknowledge the crucial role of resistance; and to pay attention to the productive dimension of the asymmetries of power informing reception, which is particularly evident in the attempt to prescribe specific behaviours to asylum seekers.

The third section finally introduces the concept of governmentality, which is the result of Foucault's reformulation of his analysis of power relations around the notion of government (section 2.3.). Foucault understands government in the old sense of techniques and mechanisms for directing conducts and, by so doing, emphasises the connection between the ways in which one conducts oneself and the ways in which one is conducted as part of a population. Along the same lines, the idea of reception as a form of government draws attention to the ways in which asylum seekers' conducts are shaped by the EU reception regime. Even if Foucault's reflections on governmentality are the outcome of his genealogical study of the modern state, which therefore concerns a precise geographical setting and historical period that does not relate directly to my research, the section nonetheless provides a brief overview of the main contours of such study for two main reasons. The first one is that such an overview clarifies Foucault's understanding of the concept of governmentality and the mode of analysis that he adopts in the process of defining it. The second one is that

some examples from Foucault's genealogy of the modern state will be used as illustrative points in the empirical chapters.

2.1. FROM ARCHAEOLOGY TO THE *DISPOSITIF*

The early stage of Foucault's work is the one of the archaeological studies, in which he focuses on the issue of knowledge, the mechanisms underpinning its production, its conditions of possibility, and the creation and classification of objects of analysis. This period can be roughly situated between 1961 and 1971, which is to say between the publication of his doctorate thesis, *Folie et Dérison: Histoire de la folie à l'âge classique* (Foucault 1989), and the introduction of the notion of genealogy. Archaeology is a method of historical investigation which seeks to highlight the discontinuities that mark historical progression, which on the contrary tend to be silenced by traditional history. As such, archaeology is therefore based on concepts like "threshold, rupture, break, mutation, transformation" (Foucault 1972, p. 5). Furthermore, archaeology aims to make visible the epistemological field which produced the conditions of possibility for the systems of thought characterising our present. It is thus a method that focuses on discursive formations and to what Foucault calls *episteme*, which is what "defines the conditions of possibility of all knowledge" in any given culture and at any given moment (Foucault 2005, p. 183). The *episteme*, Foucault argues:

[P]ermits of separating out from among all the statements which are possible those that will be acceptable within, I won't say a scientific theory, but a field of scientificity, and which it is possible to say are true or false.

(Foucault 1980b, p. 197)

In 1971, two key texts in the development of Foucault's work were published. These texts are *The Order of Discourse* (Foucault 1981), which is the inaugural lecture given by Foucault at the Collège de France in December 1970, and the essay *Nietzsche, Genealogy, History* (Foucault 1998).⁵⁷ The relevance of these texts is due to two

⁵⁷ However, even if these two texts can be identified as the "official" launch of genealogical method, it is necessary to remind that *The Archaeology of Knowledge* had already introduced in 1969 what Gilles Deleuze defines "a new orientation" in Foucault's thought (Deleuze 2006, p. 27). Such a new orientation is the result of the acknowledgement of the existence of non-discursive practices besides the discursive

reasons at least. On the one hand, they mark the shift from a focus on the conditions of possibility for knowledge to an emphasis on relations of power-knowledge, which will inform Foucault's investigations in the following years. On the other hand, the texts at issue introduce genealogical critique as a method of inquiry which allows the identification of the power effects that bring into being the regimes of truth in which certain discourses, knowledges, and practices can become effective.

With respect to the first issue, the notion of power-knowledge allows Foucault to call into question those types of critique that are framed in terms of ideology. These critiques counterpose ideology to a supposed truth which is hidden for economic or political reasons and therefore needs to be unveiled through analysis. For Foucault, such critiques are problematic because they are based "on the idea that knowledge and power are antinomic" (Senellart 2014, p. 339), thus presupposing the existence of forms of knowledge that are free in relation to power. The notion of power-knowledge is precisely intended to provide an alternative reading of the relation between knowledge and power, which emphasises the co-implication between the two. Foucault makes this point very clear in *Discipline and Punish* (1991a, p. 27), in which he observes that:

We should abandon a whole tradition that allows us to imagine that knowledge can exist only where the power relations are suspended and that knowledge can develop only outside its injunctions, its demands and its interests. [...] We should admit rather that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.

In this way, Foucault aims to "clear the field of the opposition between scientific and unscientific, the question of illusion and reality, and the question of true and false" (Foucault 2014, p. 11), which are implied by ideology. Moving beyond these oppositions, he rather shifts attention to the practices which constitute domains of objects and concepts within which such oppositions can come into play (Foucault

ones which are studied by archaeology. This acknowledgment opens up the possibility to analyse the dimension of power and explore the political dimension of discursive formations.

2014, p. 12). Accordingly, for Foucault, the problem does not consist in identifying *the* truth, but rather “in seeing historically how effects of truth are produced within discourses which in themselves are neither true nor false” (Foucault 1984, p. 60). This thus draws attention to the fundamental role of truth in the exercise of power, which is crucial in the work of Foucault as I further explore in Chapter 5. In that chapter, the harmonised spaced of the CEAS is interpreted as an example of politics of truth, as opposed to a form of ideology which conceals *true* objectives that the analysis is meant to reveal. Moreover, Chapter 5 also stresses the key role of knowledge in framing the management of asylum seekers as an issue requiring a EU response.

The second key aspect introduced by the two texts of 1971 that were mentioned above concerns the delineation of a method of inquiry which allows Foucault to grasp the new analytical space opened by the notion of power-knowledge. Such a method of analysis is genealogy, which represents a departure from the archaeological emphasis on the field of knowledge. Indeed, genealogy focuses on the play of forces giving birth to specific regimes of truth and therefore identifies the operation of power in the production of knowledge. In other words, genealogy calls for a shift “from the study of objects to the practices that produce those objects as their effects” (Walters 2012, p. 18), and this is what the thesis attempts to do in the study of reception as section 3.2. makes clear. Genealogy thus explores the historical emergence of objects of analysis, whereby the notion of emergence suggests that these objects have “not always existed”, yet they are “nonetheless real” and “born precisely from the interplay of relations of power and everything which constantly eludes them” (Foucault 2008, p. 297).

Starting from 1971, genealogy becomes Foucault’s main methodological approach; however, the relationship between genealogy and archaeology should be understood as one of continuity rather than substitution (Catucci 2008 p. 82-83; Cesaroni 2010, p. 124-125). Indeed, both oppose themselves to the “search for ‘origins’” (Foucault 1998, p. 370), thus rejecting “the metahistorical deployment of ideal significations and indefinite teleologies” (Foucault 1998, p. 370). In other words, both approaches confirm Foucault’s distance from metaphysics and its reference to a transcendental dimension. The passage from archaeology to genealogy can be described as implying a shift from:

[T]he discursive level, considered in its relative autonomy, to the level of its effects, intended as necessarily involved in a context of practices, relations, and references, which do not allow the isolation of the discursive level even from a methodological point of view.

(Catucci 2008, p. 82)

To appreciate such entanglement between discursive and non-discursive level, Foucault introduces the concept of the *dispositif*, as a “much more general case of the *episteme*” (Foucault 1980b, p. 197, italics in the original), which he understands as a specifically discursive formation. The *dispositif*, instead, is “both discursive and non-discursive, its elements being much more heterogeneous” (Foucault 1980b, p. 197, italics in the original). While the first application of the term *dispositif* as a concept appears in first volume of *The History of Sexuality* (Foucault 1978), where Foucault uses it in relation to sexuality, an attempt to define it conceptually and analytically can be found in an interview which took place in 1977 (Foucault 1980b). On that occasion, Foucault defines the *dispositif* as:

[A] thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of the [*dispositif*]. The [*dispositif*] is the system of relations that can be established between these elements.

(Foucault 1980b, p. 194).

Hence, for Foucault, the *dispositif* is a historical formation that connects heterogeneous elements, both discursive and non-discursive, and responds to an “*urgent need*” (Foucault 1980b, p. 195, italics in the original), which is constituted by framing specific issues as problems requiring response, as Foucault’s works on sexuality and delinquency demonstrate (1978; 1991a). Therefore, such a formation has a “dominant strategic function” (Foucault 1980b, p. 195), which means that “it is a matter of a certain manipulation of relations of forces, either developing them in a particular direction, blocking them, stabilizing them, utilizing them” (Foucault 1980b, p. 196). It is precisely such a strategic nature which is particularly relevant for appreciating the functioning of the EU reception regime as a *dispositif*, as Chapter 6 further develops.

2.2. POWER AND RESISTANCE

The definition of the genealogical method increasingly directs Foucault's analyses towards to the issue of power. A distinctive characteristic of Foucault's engagement with this issue consists in the attempt to depart from a certain representation of power which he calls "juridico-discursive" (Foucault 1978, p. 82). Foucault argues that such a "juridico-discursive" conception of power dominates modern political theories by defining power in substantially negative and uniform terms, as something that dictates its law, prohibits, and interdicts. Contrary to this conception, Foucault develops an "analytics of power" (Foucault 1978, p. 82), whose goal is not the definition of a theory of power, but rather the identification of a set of methodological guidelines for studying power relations, their effects, mechanisms and operation. The scope of such analytics is therefore necessarily localised and points towards the ways in which power relations "operate at various levels of society, in such very different domains and with so many different extensions" (Foucault 2003b, p. 13).

Following Lemke's account (2012, p. 11-13), it is possible to identify three main features of Foucault's understanding of power. The first is that power "is not a substance" (Lemke 2012, p. 10), which can be owned, acquired, or transferred. Rather, power has a "strictly relational character" (Foucault 1978, p. 95). It is "something that circulates, [...] something that functions only when it is part of a chain [...] in other words, power passes through individuals" (Foucault 2003b, p. 29). This is the reason why Foucault prefers to speak of power relations instead of power. He addresses "the theme of power by an analysis of 'how'", meaning that he takes "as the object of analysis *power relations* and not power itself" (Foucault 2002a, p. 339, italics in the original).

Such a relational understanding of power has significant implications for Foucault's conceptualisation of resistance, which he conceives as immanent to power relations. As he states in a famous passage of *The History of Sexuality I*, "[w]here there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power" (Foucault 1978, p. 95). For Foucault, in the same way as power is relational, resistance also shares a similar quality as practices of resistance are "the odd term in relations of power; they are inscribed in the latter as an

irreducible opposite” (Foucault 1978, p. 96). In this perspective, resistance is crucial in the operation of power to the extent that the very existence of power relationships depends on a “multiplicity of points of resistance: these play the role of adversary, target, support, or handle in power relations” (Foucault 1978, p. 95). Foucault thus describes the relation between power and resistance as one of “permanent provocation” (Foucault 2002a, p. 342), in which “each constitutes for the other a kind a permanent limit, a point of possible reversal” (Foucault 2002a, p. 346).

Once it is understood as a set of relations which circulates all over the social body, power needs to be analysed “where it becomes capillary” (Foucault 2003b, p. 27), and thus in the “innumerable points” in which it is exercised (Foucault 1978, p. 94). This is the second feature of Foucault’s understanding of power. Here, power is not a synonym of political power and therefore it is not attributed to institutions only. Hence, Foucault calls for replacing a macro- and institutional analysis with a micro-physical approach (Foucault 1991a, p. 26), which is suited to grasp the operation of power at the level of the body. From this point of view, power is always “physical”, given that “its point of application is always the body” (Foucault 2006b, p. 14). Such an intimate relation between power and the body is indeed a central issue in *Discipline and Punish* (Foucault 1991a), in which Foucault shows the ways in which power is exercised at the level of everyday gestures, routines, and behaviours.

This physical dimension reveals another feature of power, which is third one of the list proposed here. By organising bodies and disciplining gestures and actions in order to maximise their productivity, power reveals itself as *productive*. Foucault’s study of disciplines shows the mechanisms of a “political anatomy of the body” (Foucault 1991a, p. 193), whose goal is the production of “subjected and practiced bodies, ‘docile’ bodies” (Foucault 1991a, p. 138). For these reasons, Foucault draws attention to the positive dimension of power, by observing that power cannot be intended merely in terms of repression or interdiction. In his perspective, power is not only something that “excludes”, “represses”, “censors”, “abstracts”, “masks”, and “conceals” (Foucault 1991a, p. 194). Disciplinary technologies show that power is also productive. But the productive dimension of power is not only related to disciplines and rather emerges very clearly in the intimate connection between power and knowledge. Indeed, Foucault argues that “power produces knowledge” (Foucault

1991a, p. 27), meaning that power “produces reality; it produces domains of objects and rituals of truth” (Foucault 1991a, p. 194).

Such analytics of power allows Foucault to define and sketch out the differences between sovereign power and disciplinary power. In his explanation, sovereign power is a form of rule which follows a deductive logic, as well as being symbolized by the so-called “right of the sword” and by sovereign’s “right to take life and let live” (Foucault 2003b, p. 241). Sovereign power is “essentially a right of seizure: of things, time, bodies, and ultimately life itself” (Foucault 1978, p. 136). Discipline, instead, is a capillary form of power that is exercised over and through the individual and aims at the production of “docile bodies”, increasing the forces of the body in terms of economic utility (Foucault 1991a). As Foucault accurately defines it:

Discipline is basically the mechanism of power through which we come to control the social body in its finest elements, through which we arrive at the very atoms of society, which is to say individuals. Techniques of the individualization of power. How to oversee someone, how to control their conduct, their behaviour, their aptitudes, how to intensify their performance, multiply their capacities, how to put them in the place where they will be most useful: this is what discipline is, in my sense.

(Foucault 1991a, p. 159)

Considering that this thesis understands reception as a form of government which refers to the multiple forms of power targeting asylum seekers, the analytics of power suggested by Foucault reveals itself an important source of inspiration which can be also employed for the study of reception. This is particularly the case given that government became the conceptual frame through which Foucault started analysing power relations from the late 1970s (Senellart 2006, p. 13). Following this line of reasoning, reception itself can be ultimately interpreted as a power relation, which following Foucault I analyse in terms of government to stress the dimension of conduct which is discussed in the next section. Specifically, three main features of Foucault’s understanding of power can be productively brought to bear in the investigation of reception.

First, just as Foucault's stresses the relational character of power, so too it is useful to consider reception as a relation traversed by asymmetries of power. Besides addressing some of the weaknesses that were attributed to formal approaches to the study of reception in the previous chapter, this relational understanding of reception also allows one to appreciate the immanent character of resistance within reception practices, which is explored in Chapter 6. Second, the micro-physical approach adopted by Foucault towards the study of power can be fruitfully replicated in the investigation of reception, thus replacing an analysis based on the legal definition of reception with an emphasis on localised and everyday reception practices. Third, the dismissal of a purely negative and repressive understanding of power helps in drawing attention to the productive dimension of reception practices, thus underlining the attempts to mould subjectivities through the prescription of specific modes of behaviours that are embedded in reception practices.

2.3. GOVERNMENTALITY

As it was briefly mentioned in the previous section, Foucault began analysing power relations in terms of government in the late 1970s and I similarly follow such a shift towards the question of government to explore the reception of asylum seekers. The passage from the analytics of power to an emphasis on government corresponds to a broader shift in the work of Foucault; a shift from "the notion of knowledge-power to the notion of government by the truth" (Foucault 2014, p. 11). Foucault himself describes very clearly this passage in the first lecture of the course *On the Government of the Living*, which he held at the Collège de France in Paris in the academic year 1979-80:

I will say that passing from the notion of knowledge-power to that of government by the truth essentially involves giving a positive and differentiated content to these two terms of knowledge and power. Over the last two years I have then tried to sketch out a bit this notion of government, which seemed to me to be much more operational than the notion of power, "government" being understood, of course, not in the narrow and current sense of the supreme instance of executive and administrative decisions in State systems, but in the broad sense, and old sense moreover, of mechanisms and procedures intended to conduct men, to direct their conduct, to

conduct their conduct. [...] Starting this year, I would now like to develop the notion of knowledge in direction of the problem of the truth.

(Foucault 2014, p. 12)

A key moment in this shift was certainly another course that Foucault held at the Collège de France in Paris and precisely the one on *Security, Territory, Population*, which took place in 1978. It is in this course that Foucault introduces a concept that connects the analytics of power carried out in the previous years with the focus on subjectivity, ethics, and practices of the self that will characterise Foucault's reflection until his death in June 1984. The concept at issue is the one of governmentality, through which Foucault reframes his analytics of power in order to tackle broader configurations of power and thus addressing the issues of the state and the population. Key to this development is the concept of bio-power, which allows Foucault to extend his analytics of power to the level of population, as I will discuss below.

However, before approaching the notion of governmentality, some preliminary remarks are needed in relation to the context in which the notion was introduced. The term *governmentality* was first pronounced by Foucault during one of his courses at the Collège de France. Foucault taught at the Collège de France from January 1971 until June 1984,⁵⁸ holding a chair in *The History of Systems of Thought*. At the Collège de France, courses were open and did not lead to any qualification, while professors were required to present their original research and therefore had to modify the content of their teaching each year. Hence, lecturing at the Collège de France was for Foucault a great opportunity for experimenting new lines of research and testing new hypotheses. Vice-versa, the publication of the courses represents an essential opportunity to keep track of Foucault's prolific intellectual trajectory since 1971. Foucault's reflections on governmentality originate precisely from these courses and thus need to be considered as part of an ongoing research process, rather than the result of a well-defined publication project.

The aim of this section is to provide some analytical tools for understanding the concept of governmentality, its position within Foucault's thought, and its application

⁵⁸ Apart from the academic year 1976-1977 in which he took a sabbatical year.

by Foucault. First, the famous “governmentality lecture” is considered and the definitions provided by Foucault for the notion are discussed (sub-section 2.3.1.). The following sub-sections move on to examine Foucault’s experimental application of the concept in his “genealogy of the modern state” (Foucault 2009, p. 354). Each sub-section focuses on a specific art of government discussed by Foucault, namely: the pastorate (sub-section 2.3.2.), *raison d’état* (sub-section 2.3.3.), and liberalism (sub-section 2.3.4.). While the last two arts of government provide illustrative examples that are used in the empirical chapters, the same is not true for the pastorate. Yet, I decided nonetheless to provide a brief review of Foucault’s analysis of the pastorate, as this helps clarifying the analytical approach adopted by Foucault as well as providing a necessary basis for the following discussions of *raison d’état* and liberalism.

2.3.1. The “Governmentality Lecture”

On 1st February 1978, during the fourth lecture of the course on *Security, Territory, Population*, Foucault introduces the notion of governmentality by stating that if he wanted to choose a more exact title for that course, he would have called it “history of governmentality” (Foucault 2009, p. 108). He then moves on to provide three explanations for the term:

First, by “governmentality” I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses [*dispositifs*] of security as its essential technical instrument. Second, by “governmentality” I understand the tendency, the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all other types of power – sovereignty, discipline, and so on – of the type of power that we can call “government” and which has led to the development of a series of specific governmental apparatuses (*appareils*) on the one hand, [and, on the other] to the development of a series of knowledges (*savoirs*). Finally, by governmentality, I think we should understand the process, or rather, the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually “governmentalized”.

(Foucault 2009, pp. 108-109)

Each of these explanations presents some interesting insights that can be fruitfully discussed. In particular, I will now consider three key elements arising from this threefold definition: the emergence of population as a target of government, the framing of government in terms of conduct, and the process of governmentalisation of the state.

Governing the Individual and the Population

In the first explanation, the definition of population as the object of governmentality implies a shift from the localised and individualised framework of disciplinary mechanisms to a broader framework of analysis which addresses overall processes affecting a population, such as birth, fertility, death, illness, productivity, and so on. Crucial in this shift is the concept of bio-power, which Foucault defines in *The History of Sexuality I* (1978) after having introduced it in the course *Society Must Be Defended* (Foucault 2003b). Bio-power denotes a new technology of power that “exerts a positive influence on life, that endeavours to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations” (Foucault 1978, p. 137). In other words, such a “power over life” (Foucault 1978, p. 134) specifies a shift from “the right to take life or let live” (Foucault 2003b, p. 241), which characterised the political and juridical framework of sovereignty, to “the right to make live and to let die” (Foucault 2003b, p. 241).

However, it is important to stress that for Foucault this new technology of power does not replace disciplines once and for all. Far from excluding disciplinary power, bio-power “does dovetail into it, integrate it, modify it to some extent, and above all, use it by sort of infiltrating it, embedding itself in existing disciplinary techniques” (Foucault 2003b, p. 242). Consequently, by resting on disciplinary mechanisms and bio-power, governmentality defines a form of power which operates in depth *and* by targeting population as a whole.⁵⁹ This form of power is individualizing, like

⁵⁹ This is the reading provided by Gordon (1991, pp. 4-5) and Séglaard (1992), which resembles the one offered by Pasquino (1986). Gordon and Séglaard identify the sequence discipline/bio-power/governmentality in Foucault’s thought, through which Foucault managed to extend his analytical framework to include broader processes by connecting the individualising power of disciplines to the biopolitical regulation of a population. Senellart (2006) disagrees with this interpretation and considers the shift to the question of government as a rupture from the Nietzschean war model for social relations, which Foucault developed in the course *Society Must Be Defended* (2003b).

disciplines, as well as amplifying the strength, productivity, and health of the population as such, through regulatory mechanisms.⁶⁰ It is therefore based on an “*anatomo-politics of the human body*”, whose target is the body and “the optimisation of its capabilities”, and on a “*biopolitics of the population*” which focuses on the body “as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary” (Foucault 1978, p. 139, italics in the original).

The concept of biopolitics importantly draws attention to the relevance of the issues of life and population for the activity of governing. Unfortunately, however, Foucault’s reflection on the topic is only sketched out and appears as the opening of a research path closely connected to governmentality. In Foucault’s intention, biopolitics should have been the core subject of the 1978-1979 course at the Collège de France, as the very title of the lecture series suggests: *The Birth of Biopolitics*. However, after an introduction to the set of problems relating to the problematic of biopolitics, Foucault dedicates most of the remaining lectures to the analysis of liberalism and neoliberalism which, as he admits in the course summary, “should have been only its introduction” (Foucault 2008, p. 317). In the course summary, Foucault also apologises for having devoted most lectures on liberalism and its contemporary transformations, but he nonetheless justifies his choice by underlining the impossibility to understand biopolitics without considering the broader political rationality which allowed its development. Indeed, for Foucault, the new governmental reason of liberalism represents “the general framework of biopolitics” (Foucault 2008, p. 22 fn).

While some features of liberalism are examined in the sub-section 2.3.4., it is here important to stress some interesting insights provided by the notion of biopolitics for the analysis of the reception of asylum seekers.⁶¹ My understanding of biopolitics situates the concept within the broader Foucauldian reflection on governmentality, to

⁶⁰ As Michel Senellart observes (2009, p. 377-378), the new conception of techniques of discipline which are linked up to regulatory *dispositifs* represents an adjustment of Foucault’s earlier hypothesis of a “generalized disciplinary society” (Foucault 2003b, p. 253).

⁶¹ A detailed discussion of the concept of biopolitics and its development after Foucault’s formulation would exceed the scope of this chapter. For an introduction to current debates on biopolitics, see Lemke (2011) and Nilsson & Wallenstein (2013).

which biopolitics adds a specific emphasis on the government of life and population. In this respect, the concept of biopolitics illuminates the biopolitical dimension of the government of asylum seekers in the EU and thus to the intimate relation that the EU reception regime has with the question of life. This close relation is particularly evident in the deadly effects of EU visa policies, which increasingly make the access to reception measures a matter of life or death. Besides that, looking at the reception of asylum seekers in the EU through the lenses of biopolitics enables one to pay attention to those practices of government targeting asylum seekers in their conditions of “a set of living beings forming a population” (Foucault 2008, p. 317). In this perspective, it becomes clear how issues like health, living conditions and productivity of asylum seekers are some of the areas of intervention of the EU government of asylum seekers. While an investigation of the biopolitical character of the EU reception regime would exceed the scope of this thesis, the analyses of processes of dehumanisation and the forms of abandonment experienced by asylum seekers, which are proposed in Chapter 4 and 6, respectively, hint at possible biopolitical aspects of the regime.

Government as Conduct

The second explanation stresses the emergence of a new form of power that Foucault defines “government”, whereby the term has to be understood “in the broad sense of techniques and procedures for directing men’s conduct” (Foucault 2014, p. 321). In Foucault’s perspective, government “must be allowed the very broad meaning it had in the sixteenth century”, when “it designated the way in which the conduct of individuals or of groups might be directed – the government of children, of souls, of communities, of families, of the sick” (Foucault 2002a, p. 341). My reference to a possible EU government of asylum seekers should be understood in a similar way, as an attempt to emphasise and grasp the ways through which asylum seekers’ conducts are shaped by the EU reception regime. Government is therefore defined in terms of conduct, whereby conduct stands for:

[T]he activity of conducting (*conduire*), of conduction (*la conduction*) if you like, but it is equally the way in which one conducts oneself (*se conduit*), lets oneself be conducted (*se laisse conduire*), is conducted (*est conduit*), and finally, in which one

behaves (*se comporter*) under the influence of a conduct as the action of conducting or of conduction (*conduction*).

(Foucault 2009, cited in Davidson 2009, p. xix)⁶²

As observed by Arnold Davidson, such a reference to conduct “allows us to link together the political and ethical axes of Foucault’s thought” (Davidson 2009, p. xviii). Indeed, the notion of conduct has a “double dimension” (Davidson 2009, p. xix) that needs to be stressed. On the one hand, it denotes an individual activity, meaning “the way in which an individual conducts himself or is conducted” (Davidson 2009, p. xix). On the other hand, it also presents an interpersonal dimension as it refers to “the activity of conducting an individual, conduction as a relation between individuals” (Davidson 2009, p. xix). As a consequence, such a double dimension of conduct links practices of government and technologies of the self, thus presenting government itself as a “government of self and others” (Foucault 2010, p. 7).

Moreover, it also needs to be noted that conduct implies “a way of behaving within a more or less open field of possibilities” (Foucault 2002a, p. 341), thus acknowledging the necessity of freedom “as the condition for the exercise of power” (Foucault 2002a, p. 342). For Foucault, “power is exercised only over free subjects, and only insofar as they are ‘free’ [...] slavery is not a power relationship when a man is in chains” (Foucault 2002a, p. 342). This freedom, which lies at the core of the idea of conduct, also needs to be kept well in mind while analysing the reception of asylum seekers as a form of government. Despite extremely detailed regulations within reception centres and increasingly violent and sophisticated forms of control of mobility, asylum seekers are free to act otherwise and refuse the ways in which they are conducted, as Chapter 6 demonstrates.⁶³ For example, this is achieved by leaving reception centres, disregarding their regulations, or leaving the country of asylum imposed on them by the Dublin system. It is precisely because of such freedom that asylum seekers are *governed* by the EU reception regime.

⁶² I adopted the slightly different translation provided by Arnold Davidson in the introduction to *Security, Territory, Population. Lectures at the Collège de France 1977-1978*, because it seems to me clearer and more literal.

⁶³ Obviously, I am not referring to those who are detained as addressing the issue of the detention of asylum seekers would go beyond the scope of this thesis. Nonetheless, I am convinced that detention is one of the manifold practices of government deployed by the EU reception regime.

Governmentalisation of the State

The third explanation stresses the process of governmentalisation of the state and thus presents governmentality as the outcome of Foucault's application of micro-physics of power and the genealogical method to study of the state. In order to respond to those who complained that his micro-physics of power lacked a theory of the state, Foucault addresses the issue in the courses of 1978 and 1979, while still refusing to provide a theory of the state (Lemke 2012, p. 25). In a lecture of *The Birth of Biopolitics*, he explains very effectively the reasons behind his choice:

The state does not have an essence. The state is not a universal nor in itself an autonomous source of power. The state is nothing else but the effect, the profile, the mobile shape of a perpetual statification (*étatisation*) or statifications, in the sense of incessant transactions which modify, or move, or drastically change, or insidiously shift sources of finance, modes of investment, decision-making centres, forms and types of control, relationships between local powers, the central authority, and so on. In short, the state has no heart [...] in the sense that it has no interior, the state is nothing else but the mobile effect of a regime of multiple governmentalities.

(Foucault 2008, p. 77)

Based upon such understanding, Foucault tries to “carry out the same reversal for the state” as the one he did with the prison or with the study of madness (Foucault 2009, p. 120). I propose a similar reversal for the study of reception, as it is clarified in section 3.2. Such a reversal implies avoiding “an analysis of the nature, structure, and functions of the state in and for itself” (Foucault 2008, p. 77), as well as avoiding an understanding of the state “as a sort of political universal” from which to deduce the multiple practices of government operating in our societies (Foucault 2008, p. 77). Also, this means situating the analysis of the “composed reality and [...] mythicized abstraction” of the state within a broader field of power relations (Foucault 2009, p. 109), of which the state is nothing but an effect. According to Foucault, the issue at stake is not “state's takeover (*étatisation*) of society”, but rather its opposite; namely, “the ‘governmentalisation’ of the state” (Foucault 2009, p. 109). As he argues, “the state is only an episode [*périphérie*] in government, and it is not government that is an instrument of the state” (Foucault 2009, p. 248).

In order to retrace such processes of governmentalisation, Foucault carries out a “genealogy of the modern state” (Foucault 2009, p. 354) by situating the “emergence of the state as a fundamental political issue [...] within a more general history of governmentality” (Foucault 2009, p. 247). This history of governmentality has been identified by some authors as defining the specific meaning of governmentality, as an alternative to a more general definition which intends governmentality as an analytical grid for power relations (Lemke 2012; Walters 2012). The specific sense of governmentality therefore refers to a precise geographical and historical setting which was the object of Foucault’s genealogical critique.

As I will explain in the next chapter, the approach adopted here follows a broader understanding of the term, which refers to the conduct of conducts and offers important analytical tools for the study of power relations.⁶⁴ Despite that, however, it is fruitful to retrace in broad terms Foucault’s investigation because this helps highlighting the mode of analysis which he adopts in the study of governmentalities. Following Foucault’s lines of reasoning can therefore help in understanding governmentality as an approach, which can be fruitfully adapted and brought to bear in other fields of research, like the reception of asylum seekers. Besides that, a brief review of the different arts of government and forms of power explored by Foucault in his genealogy of the state provides interesting insights, which will be employed in the empirical chapters to analyse specific aspects of the EU reception regime. The next sub-section turns to the first art of government examined by Foucault: the pastorate.

2.3.2. The Pastorate

The genealogy of the modern state brings Foucault to explore the Christian pastorate, as a key moment in the history of governmentality. In his opinion, it was Christianity that institutionalised a pastoral form of power which originated in the Mediterranean East, on the model of the relationship between the shepherd and the flock. Pastoral power has three main features that differentiate it from the model of sovereignty and connect it with later forms of governmentality. First, contrary to sovereignty, it is not

⁶⁴ Foucault himself confirmed this broader sense of governmentality in the 1979 lectures in which he states that “governmentality, that is to say, the way in which one conducts the conduct of men, is no more than a proposed analytical grid for these relations of power” (Foucault 2008, p. 186).

exercised over a territory, but over a flock, that is a multiplicity of men on the move and thus a population. Second, it is a “beneficent power” (Foucault 2009, p. 126), whose main goal is not maximizing the strength of the sovereign, because “its only *raison d’être* is doing good, and in order to do good” (Foucault 2009, p. 126). Third, “pastoral power is an individualising power” (Foucault 2009, p. 128), which “takes hold of the techniques of individualisation and ties them into its practices of governing a multiplicity” (Walters 2012, p. 22). Its target is *omnes et singulatim* (Foucault 2002b), all and each one.

According to Foucault, the pastorate played a key role in shaping the form of power that emerged in the West, as through the Christian pastorate the activity of government became a matter of conduct. Foucault defines the pastorate as “a prelude to governmentality” (Foucault 2009, p. 184), because of its role in constituting the modern Western subject through practices of self-examination linked to truth. Indeed, as Foucault observes, pastoral power “teaches the truth [...], forces men, the sheep, to accept a certain truth” (Foucault 2009, p. 183). Moreover, it is also:

[A]bsolutely innovative in establishing a structure, a technique of, at once, power, investigation, self-examination, and the examination of others, by which a certain secret inner truth of the hidden soul, becomes the element through which the pastor’s power is exercised, by which obedience is practiced, by which the relationship of complete obedience is assured, and through which, precisely, the economy of merits and faults passes.

(Foucault 2009, p. 183)

However, Foucault stresses how pastoral power did not automatically turn into political power, by converging into the modern state. In his account, it was at the end of the sixteenth century that a political government of men emerged in relation to a new all-encompassing organisation that began to be conceived as the state. Here, it is nonetheless important to recall that Foucault carried out a genealogy, thus rejecting the idea of a linear history. As a consequence, his analysis does not aim to identify the origin of the state, as if it was the outcome of a series of causalities. He rather looks at the emergence of the state as the “constitution or composition of effects” (Foucault 2009, p. 239), as well as the cumulative effect of “multiple and very diverse processes” (Foucault 2009, p. 248).

In this perspective, pastoral power did not disappear, thereby leaving its place to a subsequent form of power that marked the next historical stage. Rather, it underwent some transformations, went underground, and was re-adapted to the extent that one can identify several instances of pastoral power still at work today (Walters 2012, p. 24). With respect to the reception of asylum seekers, for example, it is possible to detect instances of pastoral power in the practices of counselling and support deployed within reception projects and centres with the goals of facilitating the introduction of asylum seekers in the society of arrival, preparing them for the asylum interview, and providing them psychological support or vocational training. In these situations, reception practices take the form of pastoral power insofar as they deploy a “beneficent power” which requires asylum seekers to govern themselves in specific ways, while also allowing their management as a group.⁶⁵

Foucault moves on by observing how the crisis of the pastorate, which took place in the sixteenth century, paradoxically went hand in hand with an extension and intensification of pastoral practices. Such extension and intensification lead Foucault to define the sixteenth century as “the age of forms of conducting, directing, and government” (Foucault 2009, p. 231). Simultaneously, sovereign power also underwent some significant changes, which required the sovereign “to do more than purely and simply exercise his sovereignty” (Foucault 2009, p. 237). For Foucault, what began to be expected from the sovereign was “something different, something else”, in comparison with the models of “God’s action in relation to nature, the pastor’s in relation to his flock, the father’s in relation to his children, or the shepherd’s in relation to his sheep” (Foucault 2009, p. 237). This new action expected from the sovereign was *government*; namely, something “supplementary in relation to sovereignty [...] something other than the pastorate [...] something without a model, which must find its model” (Foucault 2009, p. 237). It is precisely in this process that Foucault identifies the emergence of a “governmental reason” and therefore the beginning of a reflection and calculation about the nature of government, its targets, its goals, and its practice (Foucault 2009, p. 232).

⁶⁵ On contemporary instances of pastoral power see Walters (2012, p. 24), Hindess (1996, p. 122-123), Nabers (2016).

2.3.3. *Raison d'État*

The first model of government identified by Foucault is *raison d'état*, which inspired an art of government specific to the state. Thanks to *raison d'état*, Foucault believes that the state “really began to enter into reflected practice” (Foucault 2009, p. 247) and a governmental reason appeared by delineating “the state as both its principle and its objective, as both its foundation and its aim” (Foucault 2009, p. 286). On the one hand, the state became a “principle of intelligibility” for a “whole set of already established institutions, a whole set of given realities” (Foucault 2009, p. 286), which began to be conceived as elements of the state (e.g. sovereignty, territory, inhabitants, wealth, etc.). On the other hand, the state also emerged as the goal of such governmental reason, given that the intervention of the latter was precisely aimed at the consolidation of state’s integrity and strength. As Chapter 5 argues, a similar simultaneous condition of principle of intelligibility for a set of governmental practices *and* objective of government can also be attributed to the space of the common area of protection pursued by the CEAS.

Foucault moves on by observing that the art of government delineated by *raison d'état* is peculiar because it is “deployed in a field of relation of forces” (Foucault 2009, p. 312). The goal of *raison d'état* is not the mere preservation of the state, but the “preservation of a relations of forces” in which each state is caught (Foucault 2009, p. 296). For Foucault, this represents “the great threshold of modernity of this art of government” (Foucault 2009, p. 312). Being situated in such a field of forces, *raison d'état* involves “two major assemblages of political technology” (Foucault 2009, p. 312), whose goal is “to maintain a relation of forces, and then the growth of each of the forces without the break-up of the whole” (Foucault 2009, p. 296).

The first assemblage is the “military-diplomatic apparatus” (Foucault 2009, p. 296), whose purpose is the maintenance of the so-called European equilibrium through multilateral diplomacy and the organisation of a professional army. The second assemblage is the apparatus of police, to which term Foucault attributes the meaning it had from the seventeenth century to the end of the eighteenth century. In this period, police referred to “the set of means by which the state’s forces can be increased while preserving the state in good order” (Foucault 2009, p. 313). Its task was therefore

twofold. On the one hand, the operation of police was directed towards the integration of “men’s activity into the state, into its forces, and into the development of these forces” (Foucault 2009, p. 323). On the other hand, police also had to ensure that “the state, in turn, can stimulate, determine, and orientate this activity in such a way that it is in fact useful to the state” (Foucault 2009, p. 323).

The rationality of police is extremely important in Foucault’s history of governmentality for two reasons. First, it introduced for the first time “the fine materiality of human existence and coexistence, of exchange and circulation” in the governmentality of the state (Foucault 2009, p. 339). This means that issues like health, commerce, provision of food, professions, roads and infrastructures, urban planning, vagrancy, delinquency, and so on, became objects of political government, that is targets of state’s intervention. Second, the rationality of police set out a way of governing which was not based on the law and the apparatus of justice, but rather on a “permanent, continually renewed, and increasingly detailed regulation” (Foucault 2009, p. 340). The “object of police is almost infinite” (Foucault 2008, p. 7); it is concerned with “little things” and is meant to act “promptly and immediately” (Foucault 2009, p. 340).

In a similar way to what happens with pastoral power, some features of the rationality of police can be seen in action in the reception of asylum seekers in the EU. Let us think for instance at the attempts to regulate the most prosaic and material aspects of asylum seekers’ lives in reception centre, which are emphasised by some of the studies examined in the previous chapter (Rosenberger and König 2012; Pinelli 2015). This was further confirmed during my own working experience within a reception project in the north of Italy, in which I could see the amount of “little things” on which employees like myself had a say in asylum seekers’ lives. These aspects ranged from the possibility to have guests to the freedom of travelling outside town, from the commitment to language classes to the care of the house. Drawing from these examples, it is therefore possible to paraphrase Foucault and argue that the object of reception seems in many cases to be almost infinite, as it extends well beyond what the abstract definition of reception contained in the EU directive suggests.

After the analysis of the features of the rationality of police, Foucault observes how it was called into question by a whole series of processes which occurred in the eighteenth century and were set in motion by the rationality of police itself. Five interwoven processes are identified by Foucault, all of which mostly related to the domain of economy. The first concerns the birth of civil society as a “specific field of naturalness peculiar to man” (Foucault 2009, p. 349), whose natural self-regulation has to be respected by state. The second is the emergence of political economy, as a form of knowledge that focuses on the population and its wealth, in relation to the domains of production, circulation, and consumption. The third is the re-framing of the issue of population, given that the previous understanding of the term as a “collection of subjects” is replaced by an idea of “population as set of natural phenomena” (Foucault 2009, p. 352). The fourth element concerns a change of the objective of governmentality, which shifts from police’s over-regulation to “mechanisms of security” meant to “*laisser faire*” and ensure the natural self-regulation of economic processes and population (Foucault 2009, p. 353). The last element is the acknowledgement of freedom as an element that is “indispensable to governmentality itself”, or, in other words, a “condition of governing well” (Foucault 2009, p. 353).

2.3.4. Liberalism

All the processes above called into question the emphasis placed by the rationality of police on regulation and transformed the governmental reason, thus paving the way to a new governmentality, “whose forms we can still recognize in its contemporary modifications” (Foucault 2009, p. 354). This new governmentality is defined by Foucault as liberalism and becomes the object of the following course at the Collège de France, *The Birth of Biopolitics* (2008). Foucault’s understanding of liberalism is quite specific and not limited to the status of economic theory or political doctrine. For Foucault, liberalism is a “new type of rationality in the art of government” (Foucault 2008, p. 20), which broke with previous arts of government and introduced an “art of the least possible government” (Foucault 2008, p. 28). Once again, however, before discussing the two points of rupture produced by liberalism, it is necessary to remind the genealogical character of Foucault’s investigation. In this respect, the passage from *raison d’état* to liberalism should not be considered in terms of a succession between

stages. Rather, as Foucault states, the regime of liberalism “should be seen as a sort of intensification or internal refinement of *raison d'état*; it is a principle for maintaining it, developing it more fully, and perfecting it” (Foucault 2008, p. 28).

As I have already mentioned, such a refinement of *raison d'état* was made possible by the emergence of political economy as a main form of knowledge in the middle eighteenth century. According to Foucault, political economy re-conceptualised the art of government by introducing a “principle of self-limitation of governmental reason” based on a new regime of truth organised around the naturalness of society (Foucault 2008, p. 20). If *raison d'état* found its limitation in the law, which was nonetheless “extrinsic to *raison d'état*” (Foucault 2008, p. 10), Foucault observes how the new rationality of liberalism establishes a principle of limitation that is intrinsic to the art of government. This is the first point of rupture produced by liberalism. The limitation of liberal governmentality is not God or a social pact formulated in a distant past. Rather, it has to be found “in the objectives of government” to the extent that the limitation itself becomes “one of the means, and maybe the fundamental means, of attaining precisely these objectives” (Foucault 2008, p. 11). As Foucault puts it:

To attain these objectives, it may be necessary to limit governmental action. Governmental reason does not have to respect these limits because they are limits laid down once and for all somewhere outside, before, or around the state. Not at all. Governmental reason will have to respect these limits inasmuch as it can calculate them on its own account in terms of its objectives and [the] best means of achieving them.

(Foucault 2008, p. 11)

This means that police’s inclination towards an over-regulation is replaced by the acknowledgement of the impossibility of regulating everything and the consideration of the potential negative side effects deriving from the attempt to intervene in the “natural” course of things. The emphasis on regulation is thus replaced by a permanent concern about the risk of governing too much. With liberalism, the principle of efficiency replaces that of legitimacy and, consequently, too much government begins to be framed in terms of failure, ignorance, and bad government, as opposed to an issue of illegitimacy.

The new principle of self-regulation of the governmental reason is therefore firmly intertwined with the discovery of a new type of naturalness which was made by political economy in the eighteenth century. For Foucault, this is not the naturalness of the cosmos or that of the processes of nature itself. It is rather the “naturalness of society”, which is a naturalness “specific to relations between men, to what happens spontaneously when they cohabit, come together, exchange, work, and produce” (Foucault 2009, p. 349). In other words, it is a naturalness relating to the economic domain and to the population “as a political subject” (Foucault 2009, p. 42). Such a naturalness is both an outcome of the knowledge produced by political economy and the object of its intervention. Precisely because of the supposed naturalness of the phenomena analysed, political economy can claim its scientific rationality based on the knowledge of the “economic truth” and the “truth of the market” (Foucault 2008, p. 51). Political economy thus established a regime of truth against which it has become possible to assess the efficiency and adequacy of governmental practices. Therefore, thanks to political economy, liberal governmentality established a fundamental connection between governmental reason and regimes of veridiction, which Foucault addresses in greater detail in the 1979-1980 course *On the Government of Living* (2014). Here, we have the second point of rupture produced by liberalism.

However, the principle of self-limitation and the need to govern according to truth are not the only changes introduced by the liberal art of government. Liberalism developed in new ways the relationship existing between government and freedom, which was stressed above. Even if freedom was already a constitutive element of government, liberalism set the relationship between the two at a new degree of intensity, as Foucault stresses very clearly:

This governmental practice in the process of establishing itself is not satisfied with respecting this or that freedom, with guaranteeing this or that freedom. More profoundly, it is a consumer of freedom. It is a consumer of freedom inasmuch as it can only function insofar as a number of freedoms actually exist: freedom of the market, freedom to buy and sell, the free exercise of property rights, freedom of discussion, possible freedom of expression, and so on. The new governmental reason needs freedom, therefore, the new art of government consumes freedom. It consumes freedom, which means that it must produce it. It must produce it; it must organise it. The new art of government therefore appears as the management of freedom.

(Foucault 2008, p. 63)

Hence, liberalism governs by managing and organising “the conditions in which one can be free” (Foucault 2008, p. 64) and this implies as well providing a whole series of limitations and mechanisms intended to limit the risks produced by the free play of freedoms themselves. For Foucault, such a function is performed by mechanisms of security, which constitutes “both liberalism’s other face and its very condition” (Foucault 2008, p. 65). Indeed, at the heart of liberalism, Foucault identifies a fundamental interplay between freedom and security, which consequently connects liberalism with the issue of danger. As he argues, “there is not liberalism without a culture of danger” (Foucault 2008, p. 67).

Against possible dangers, apparatuses of security are thus deployed in order to ensure the right balance between the collective interest and individual interests. In the analysis made by Foucault, apparatuses of security are then a distinctive feature of liberal governmentality and their operation differs significantly from the functioning of disciplines. Indeed, whereas discipline “regulates everything” (Foucault 2009, p. 45), focusing even on the smallest details, security “lets things happen” (Foucault 2009, p. 45) and assumes the inevitability of some processes. In addition, mechanisms of security are not based on prohibition or prescription, as it is the case respectively with law and discipline. On the contrary, Foucault underlines how security engages with phenomena when they take place and therefore “at the level of their effective reality” (Foucault 2009, p. 46-47). In this way, security aims to “respond to a reality in such a way that this response cancels out the reality to which it responds – nullifies it, or limits, checks, or regulates it” (Foucault 2009, p. 47).

Hence, mechanisms of security denote a new mode of operation of power, which lets the “natural” course of things happen and only intervenes to steer it and keep it within limits that are deemed acceptable. By shifting from an emphasis on control to one on management, such a new feature of government is particularly relevant in the field of the government of asylum seekers, as I will show in Chapter 6 in relation to the productive dimension of failure. Indeed, the acknowledgement of the impossibility to govern everything and the resulting acceptance of some degree of failure, which characterise mechanisms of security, describes well a key feature of the EU reception regime. In the regime, failure is not only accepted, but even used to constantly reform

mechanisms of government, to the extent that it turns out to be integral to the functioning of the regime itself.

CONCLUSION

This chapter has introduced the main conceptual and theoretical tools which will be employed in the remainder of the thesis. More specifically, the chapter reviewed Foucault's reflections on power-knowledge, analytics of power, resistance, genealogy, truth, and the *dispositif*, before moving on to discuss his understanding on governmentality, which is deemed particularly relevant to study the government of asylum seekers in the EU. Yet, this does not mean that governmentality should be understood as a fully-formed theory that can be borrowed from Foucault's toolbox and mechanically replicated in the analysis of other case-studies. This thesis rather interprets governmentality as a mode of analysis, whose features are specified in the next chapter. Before that, however, it is important to emphasise four aspects which make an approach informed by governmentality better equipped to study the reception of asylum seekers in the EU than the approaches proposed by the literatures discussed in Chapter 1. These four aspects directly result from the conceptual tools which have been discussed in the chapter.

First, by replacing a focus on institutions with an emphasis on concrete practices, the perspective of governmentality invites one to consider reception as a form of government, which is not limited to its institutional dimension, but refers more broadly to the multiple forms of power targeting asylum seekers. This understanding situates reception within a broader field of power relations, thus giving rise a twofold effect. On the one hand, it overcomes the legal and procedural definition of reception on which both policy discourse and formal approaches are based. In this way, the framing of reception as a form of government invites one to reject an understanding of reception as a set of rights and services, which can be provided anywhere and to anyone, notwithstanding the multiplicity of contexts and individual needs. On the other hand, such an understanding of reception acknowledges the role of the broader social, political, institutional, and economic context in which reception takes shape. In this way, the mode of analysis provided by governmentality is far from being indifferent

to contexts and it is rather able to account for the excess of reception that is examined in Chapter 5.

Besides being attentive to contexts, the perspective of governmentality also provides tools for tackling the indifference to people which marks formal approaches and this is the second point. Indifference to people is opposed in two ways. On the one hand, the constitutive relation between power and resistance which lies at the core of governmentality calls for appreciating the fundamental role of conflicts, struggles and subjective practices. Accordingly, asylum seekers are not considered as mere objects that can be managed through reception measures, their harmonisation, and the management of mobility through mechanisms like the Dublin system, relocation, dispersal, and so on. In this respect, governmentality allows the acknowledgement of the ungovernable and excessive character of practices of movement, which is discussed in Chapter 6. On the other hand, by framing government in terms of conduct, governmentality draws attention to the ways through which asylum seekers' subjectivities are moulded as an effect of reception practices, thus exposing the ways through which power literally produces subjects.

Third, governmentality undermines the institutional discourse of reception thanks to a focus on the "reciprocal constitution of power techniques and forms of knowledge" (Lemke 2001, p. 191), which unveils the supposed taken for granted nature of reception and its harmonisation. By stressing the mechanisms through which problems and objects of government are created alongside strategies for acting upon them, governmentality allows an analysis of reception which calls into question its very idea, features and objectives. It is therefore an analysis which does not assess reception and its harmonisation by taking the EU institutional discourse as the main point of reference, thus accepting definitions, stated goals and proclamations proposed by the EU and consequently slipping into its teleological narrative. Rather, governmentality implies an analysis of reception which starts from the practices which constitute reception in order to grasp their overall intelligibility. An important consequence of this approach is therefore a dismissal of any teleological narrative, given that the failure of reception and harmonisation to meet their expectations is not addressed as a distortion from a supposedly ideal order towards which the CEAS is progressing.

Rather, a mode of analysis informed by the perspective of governmentality explores failure at the level of its effects, as it is proposed in Chapter 6.

Fourth, the perspective of governmentality allows the connection between micro- and macro- level of analysis, as it exposes how one's conduct of oneself is integrated into larger configurations of power. Governmentality situates the activity of governing at the intersection between practices of government and what Foucault calls "technologies of the self", which are those practices through which individuals act "on their own bodies, souls, thoughts, conduct, and way of being in order to transform themselves" (Martin, Gutman & Hutton 1988, p. 3). Accordingly, the study of reception as a form of government combines an emphasis on the microphysical level of the subjectivities prescribed to asylum seekers through localised reception practices and on broader processes of management of asylum seekers, of which reception is nothing but one aspect. In this way, governmentality complements the contextualised approach proposed by studies of reception practices by providing an analytical framework which allows the contextualisation of localised and everyday practices of reception within broader configurations of power and knowledge. In the perspective of governmentality, reception practices through which asylum seekers are governed in specific settings are always-already implicated in broader patterns of regulation which exceed specific contexts. To this extent, governmentality is therefore consistent with the translocal approach sketched out in the Introduction.

After having introduced the conceptual tools and stressed the strengths of studying reception through the lenses of governmentality, it is now possible to move on to specify my understanding of governmentality as a mode of analysis. This is objective of the next chapter.

CHAPTER 3

GOVERNMENTALITY AND RECEPTION

The previous chapter introduced the theoretical and conceptual tools which are employed by the thesis. Besides reviewing Foucault's reflections on power, resistance, knowledge, and genealogy, it focused specifically on the notion of governmentality, which was presented as a key element for my understanding of reception as a form of government and for the related intention to investigate the EU government of asylum seekers. This chapter remains on a theoretical level as it clarifies my understanding and use of governmentality by presenting it as a mode of analysis which can be fruitfully employed to explore the ways in which asylum seekers' conducts are governed in the EU. The chapter thus rests on the work of Foucault as the previous one; however, it also goes beyond it by exploring how his ideas on governmentality have been received in subsequent debates and how these ideas can be used for the purposes of this thesis.

In the first section (3.1.), the reception of the concept in the literature is explored through a brief review of studies of governmentality. These studies have developed Foucault's insights, thus giving rise to a specific field of research which is based on three main features: an understanding of government as conduct, a focus on rationalities and technologies of government, and a refinement of the conceptual vocabulary of governmentality. Besides tracing these developments, the review serves the twofold purpose of highlighting some shortcomings that exist in the literature and illustrating my understanding of the concept. In particular, the section discusses three problematic aspects affecting some interpretations of governmentality, which this thesis intends precisely to avoid. These aspects concern a teleological reading of the investigation proposed by Foucault – which is instead genealogical – a rationalisation and legitimisation of the forms of government analysed, and an inadequate consideration of conflicts and struggles.

While studies of governmentality have played a fundamental role in developing the reflections began by Foucault as well as in broadening the scope of their application, they also run the risk of turning into a systematic theory what was instead an ongoing and experimental line of research. To avoid such a crystallisation of the idea of

governmentality, the thesis employs it as a mode of analysis as the second section specifies (section 3.2.). My understanding of governmentality as a mode of analysis is based on three analytical recommendations which correspond to the “triple displacement” proposed by Foucault in one of his lectures of *Security, Territory, Population* (Foucault 2009, p. 116-119). These recommendations define an analysis which does not focus merely on institutions, does not assume the function that reception is supposed to perform, and does not take for granted the meaning and nature of reception as an object of analysis.

As a further precaution against the problematic developments in studies of governmentality, the last section of the chapter calls for combining the previously defined mode of analysis with a “regime analysis” (Tsianos & Karakayali 2010; Hess 2012). The section argues that a regime analysis presents several points of intersection with the “triple displacement” proposed by Foucault, as the former similarly shifts the focus away from institutions, rejects the idea of a single overarching rationality, and acknowledges the intertwining between knowledge and power (section 3.3.). By emphasising the multiplicity of actors and rationalities involved in the activity of governing as well as the contradictory and non-intentional character of government, the concept of regime avoids an overly coherent, rational, and univocal understanding of government, which some authors identify as distinctive of some works of governmentality (O’Malley, Weir & Shearing 1997). The section thus ends by introducing the idea of EU reception regime in place of the expression *EU government of asylum seekers*, which has been hitherto used to describe the object of analysis of the thesis. By EU reception regime, I mean the complex, heterogeneous and unstable formation revolving around the provision of reception measures and the management of the mobility of asylum seekers and beneficiaries of international protection.

3.1. FROM GOVERNMENTALITY TO STUDIES OF GOVERNMENTALITY

Even if governmentality was not among the topics explored by Foucault in his numerous publications, it managed nonetheless to become one of the most popular concepts which came out from Foucault’s analytical toolbox and even gave birth to

the new field of studies of governmentality.⁶⁶ These studies have taken Foucault's hypothesis to new fields of enquiry, cutting across several disciplines as well as re-laborating the conceptual framework developed by Foucault. A full review of this burgeoning body of literature inevitably falls outside the scope of this section and therefore it is not going to be provided here. The aim of the section is rather to define the specificity of studies of governmentality in comparison to the Foucauldian approach, while at the same time highlighting some shortcomings affecting this body of literature. The discussion of these shortcomings is in turn useful for clarifying the way in which the thesis employs the idea of governmentality.

Before that, however, it is important to stress the trajectory undertaken by the concept after its formulation in the lecture of 1st February 1978, which is now commonly known as the "governmentality lecture". It is possible to identify two main phases characterising the reception of the notion of governmentality: one which primarily takes place in the French context and the second one which corresponds to a wider international diffusion of the concept (Lemke 2012). The overview of these two phases is the subject of the first sub-section (3.1.1.), whereas the second sub-section discusses some shortcomings affecting studies of governmentality (sub-section 3.1.2.).

3.1.1. Studies of Governmentality

The first phase of the reception of the concept of governmentality concerns the work of a group of scholars who attended Foucault's lectures at the Collège de France and participated in the related research seminars. These scholars were Daniel Defert, Jacques Donzelot, François Ewald, Pasquale Pasquino, and Giovanna Procacci. They continued the "genealogy of the modern state" started by Foucault, by carrying out genealogical investigations in new domains like insurance technologies (Defert 1991; Donzelot 1984; Ewald 1996), social question (Procacci 1993) and criminology (Pasquino 1991). One of these scholars, Pasquale Pasquino, published the "governmentality lecture" in Italian in the late 1978, and this version was then translated into English the following year and into French a few years later in 1986. As William Walters observes, the "governmentality lecture" represented for a long

⁶⁶ For some critical reviews of studies of governmentality, see Meyet (2005); Bröckling, Krasmann & Lemke (2011a), Walters (2012, Chapter 2); Lemke (2012, Chapter 5; 2013).

time “*the* key touchstone for Foucault’s thinking on government” (Walters 2012, p. 152, italics in the original). In this first phase, besides the genealogical studies mentioned above, Foucault’s work on governmentality also inspired some French historians who developed Foucauldian insights for the study of *raison d’état* (Lazzeri & Reynié 1992; Senellart 1993; Zarka 1994).⁶⁷

The second phase of reception of the notion of governmentality corresponds with its diffusion outside the Francophone world, which followed the publication of *The Foucault Effect: Studies in Governmentality* in 1991 (Burchell, Gordon & Miller 1991). The volume includes a revised English version of the lecture on governmentality together with two other texts from Foucault (1991b; 1991c), and a long introductory essay by Colin Gordon on the 1978 and 1979 courses. *The Foucault Effect* also contains English versions of articles by scholars who worked with Foucault at the Collège de France as well as articles from other Anglophone researchers like Graham Burchell, Colin Gordon, and Ian Hacking. If on the one hand this collection represented a major step in the dissemination of the notion of governmentality, on the other hand it also ran the risk of presenting a “French Foucauldian school which never existed, or no longer [existed] in France” (Donzelot & Gordon 2008, p. 50). Indeed, as one of the editors, Colin Gordon, confirmed several years after the publication, the collection stems from “an attempt to construct a plane of consistence between the work of individuals who, in some cases, had never met, and in others were no longer collaborators or desiring to be perceived as such” (Donzelot & Gordon 2008, p. 50).

In this sense, it is telling that no contributor to the volume used the term “governmentality” apart from Foucault himself and the editors (Meyet 2005). However, despite such nature of “artefact” (Donzelot & Gordon 2008, p. 50), *The Foucault Effect* was indeed very effective in boosting the interest on the concept of governmentality, especially in Anglophone contexts, but also beyond them.⁶⁸ As stressed by Walters, the volume broadened the scope of Foucauldian insights by

⁶⁷ Here, it is also important to cite the work of Françoise Tulkens (1988), who published the results of an interdisciplinary study of the genealogy of social protection in Belgium, which was led by Foucault during a research seminar organised at the Catholic University of Louvain in 1981.

⁶⁸ A mention here goes to the important work made by Ulrich Bröckling, Susanne Krasmann and Thomas Lemke in Germany (Bröckling, Krasmann & Lemke 2000; 2004; Lemke 1997; 2000; 2001; 2002).

presenting governmentality as “a set of guidelines for empirical research projects into regulation of societies and the practices of states” (Walters 2012, p. 47). The emphasis on genealogy and historical analyses which had characterised the first phase of reception of the concept was thus replaced by a primary concern on contemporary issues. Since the publication of the collection, an incredible amount of work has been published, focusing in particular on political rationalities and technologies characterising neoliberal forms of government.⁶⁹ This work gave birth to “an independent research field” (Bröckling, Krasmann, & Lemke 2011a, p. 9), which is commonly referred to as studies of governmentality. After the initial emphasis on neoliberal forms of government, studies of governmentality are now a very composite field that covers numerous topics and spans several disciplines across the social sciences.⁷⁰

Such heterogeneity led some authors to describe studies of governmentality as “less a coherent research program or a homogeneous approach than a loose network of researchers using the concept in various ways and with divergent theoretical interests” (Bröckling, Krasmann, & Lemke 2011a, p. 9). Despite that, these studies share nonetheless a common analytical approach, which revolves around three main features. The first one is an understanding of government in terms of conduct, which in turn leads scholars of governmentality to emphasise the “dispersed character of modern forms of government” (Walters 2012, p. 51). Studies of governmentality investigate “political power beyond the state” (Rose & Miller 1992), meaning that they explore the operation of government beyond the state and formal political structures. As an example, such approach led scholars in this field to investigate technologies of government entailed in the management of alcoholism (Valverde 1998), technological change (Barry 2001), and pregnancy (Weir 1998), as well as in empowerment measures (Cruikshank 1999), and development projects (Li 2007).

⁶⁹ See for example Barry, Osborne & Rose (1996), Dean & Hindess (1998), Rose (1999), Larner (2000), Lemke (2001).

⁷⁰ As an example and without the claim to be exhaustive, the following list includes some research that brought to bear the perspective of governmentality in relation to new objects of study and new disciplinary settings: Barry, Osborne, & Rose (1996), Rose (1999), Larner (2000), and Lemke (2001) on neoliberalism; Garland (1997) and Simon (2007) on the government of crime; Larner & Walters (2004) as well as Perry & Maurer (2003) on globalisation; Cruikshank (1999) on empowerment; Ina (2005) on modernity; Valverde (1998) on the management of alcoholism; Barry (2001) on technological change; Weir (1998) on the government of pregnancy; and Li (2007) on development.

The second feature of studies of governmentality refers to their focus on the rationalities and technologies that underpin the activity of governing. Within studies of governmentality, the notion of rationality is normally understood as “a way or system of thinking about the nature of the practice of government (who can govern; what governing is; what or who is governed), capable of making some form of that activity thinkable and practicable” (Gordon 1991, p. 3). In other words, rationality refers to the reflection which goes hand in hand with government, by processing the “governing reality” and defining the ways for intervening upon it (Lemke 2001, p. 191). In the lexicon of studies of governmentality, the forms of intervention on the “governing reality” are called technologies of government. The choice of the term “technology” denotes the attention given to the “*techne* of government” and thus on the “means, mechanisms, procedures, instruments, tactics, techniques, technologies and vocabularies” through which government is accomplished (Dean 1999, p. 31, italics in the original).

The third feature concerns “a certain degree of conceptual development and refinement”, which turned governmentality into a distinctive “approach” (Walters 2012, p. 47). A key role in this respect was played by some authors who tried to systematise Foucault’s reflection on governmentality and his analytics of government. The first scholars to do that were Peter Miller and Nikolas Rose (Miller & Rose 1990; Rose & Miller 1992). In the early 1990s, they published two important articles which defined the “conceptual vocabulary” of studies of governmentality (Walters 2012, p. 48). Miller and Rose provided a definition for some terms which had been used by Foucault, but lacked a clear explanation (e.g. political rationalities, governmental technologies, problematics of government), or terms which were somehow “latent” (Walters 2012, p. 48) in Foucault’s thought (e.g. programme of government). Their attempt concerned the definition of a theoretical framework to be deployed for the analysis of contemporary forms of power. Hence, Miller and Rose carried out an important work of systematisation, conceptual refinement, and theoretical elaboration, which set the foundations for studies of governmentality.

Miller and Rose are not the only ones who tried to systematise the approach of governmentality. Few years after them, Mitchell Dean also made a similar attempt by publishing what has become an extremely influential work in the field of studies of

governmentality; namely, *Governmentality. Power and Rule in Modern Society* (1999). Falling after almost a decade of studies of governmentality, Dean's book served the double purpose of taking stock of the situation of the field as well as providing some insights about possible ways forward. Using the author's words, the volume was "a kind of 'perspectival' text" (Dean 1999, p. 7), as it tried to "provide a framework and perspective" for the use of studies of governmentality (Dean 1999, p. 1). Even if it also counts as an attempt to systematise the approach of governmentality, Dean's proposal differs from the one made by Miller and Rose because it engages to a greater extent with Foucault's reflection. Indeed, Dean's analysis addresses the broader history of governmentality sketched out by Foucault by connecting governmentality with other conceptual tools, such as pastoral power, discipline, police, biopolitics, and sovereign power.

3.1.2. Some Shortcomings Affecting Studies of Governmentality

The attempts "to systematise governmentality" (Donzelot & Gordon 2008, p. 51), which were described above, are not exempt from drawbacks. As Walters observes, "there is clearly a tension immanent to any attempt to bring a certain degree of systematicity to a research project that was for Foucault highly experimental, quite fluid and decidedly incomplete at the time of his death" (Walters 2012, p. 49). For this reason, even if the contributions discussed above were not meant to define a doctrine or a theory of governmentality, they can actually be blamed to result in the opposite. Indeed, these efforts of systematisation run the risk of transforming governmentality into "a *theory*, a systematic framework that is adequate to the analysis of all modern societies" (Walters 2012, p. 40). This thesis clearly wants to avoid such an outcome, which would inevitably constrain the analytical edge and critical potential of the perspective of governmentality. In order to keep such potential alive and productive, my approach follows Walters' advice to subject governmentality to an "ongoing conceptualisation" (Walters 2012, p. 42), which is intended to constantly revise, renovate, or even abandon its concepts, analytical tools, and hypothesis.

Besides that, another problematic aspect needs to be considered while dealing with studies of governmentality, especially those from the early stages. This problematic aspect is that a significant amount of work which contributed to the establishment of

studies of governmentality was published before the publication of the courses held by Foucault at the Collège de France between 1978 and 1979. Indeed, *Security, Territory, Population* and *The Birth of Biopolitics* were published in French in 2004 and translated into English in 2007 and 2008, respectively. Hence, studies of governmentality were based for a long time on limited material from Foucault on the question of government and on the work of scholars who re-elaborated Foucault's thought.⁷¹ With the prominent exceptions of Thomas Lemke, who listened to the archives of the lectures, and Colin Gordon, who attended the lectures, this means that several studies inevitably did not have the possibility to engage with the broader intellectual trajectory within which the notion of governmentality had been formulated. To some extent, this therefore represents a limitation, given the importance of considering governmentality in continuity with the rest of Foucault's work, as it was also stressed by Colin Gordon in an interview that he made at the time of the publication of the courses (Donzelot & Gordon 2008, p. 53). In this regard, one of the purposes of the previous chapter was precisely to avoid such a narrow understanding of governmentality by situating the concept within the broader Foucauldian intellectual production.

The publication of the courses was therefore welcomed as a possibility to revitalise the research in the field (Elden 2007; Donzelot & Gordon 2008), and indeed several important books appeared in recent years, which nourished with new life studies of governmentality (Bröckling, Krasmann, & Lemke 2011b; Lemke 2012; Walters 2012). This thesis intends precisely to situate itself in the path opened by these works by bringing the perspective of governmentality to bear on the topic of reception of asylum seekers. The implications of this encounter between governmentality and the study of the reception of asylum seekers are analysed in the next section. Before addressing them, the final part of this section turns to three more shortcomings of studies of governmentality, which are highlighted by the new publications that have just been mentioned. Besides situating the perspective of governmentality within the broader Foucauldian thought, these recent investigations also identify some

⁷¹ Foucault's writings or published talks on the topic of government that were available before the publication of the 1978 and 1979 courses are: the "governmentality lecture" (Foucault 1991d), the summaries of the courses at the Collège de France (Foucault 1997a; 1997b), the two "Tanner Lectures" delivered by Foucault at Stanford University in October 1979 (2002b), and the article *The Subject and Power* (Foucault 2002a).

deficiencies in studies of governmentality that need to be considered in order to clarify the understanding of governmentality proposed by this thesis.

First of all, one of the most common tendencies of studies of governmentality is what Thomas Lemke defines a “teleological reading of governmentality” (Lemke 2013, p. 39), which assumes a historical succession which led from sovereignty, via discipline, to government. This perspective reduces Foucault’s genealogical investigation to a linear historical narrative in which government has emerged as the most efficient form of power, thereby marginalising sovereign power and disciplinary technologies. Even if it is certainly true that Foucault himself stresses the pre-eminence of government over other forms of power, it is as much true that he describes the relationship between these different forms of power as a “triangle” (Foucault 2009, p. 107). In his analysis, the coming into play of the population as an object of government does not lead to the disappearance of sovereign mechanisms and disciplines. Rather, it imposes a combination between different power technologies which gives birth to a form of government that is suited to manage the detail and simultaneously global phenomena. Hence, the idea of a “triangle” in which different forms of power combine and support each other is a key character of the perspective of governmentality as it is intended here, given its emphasis on the “overlappings, interactions and echoes of different power technologies” (Lemke 2013, p. 41).

This understanding draws attention to the interplay between the different forms, techniques, and rationalities of power at stake in the management of asylum seekers in the EU. To the instances of biopolitics, pastoral power, and police, which I briefly mentioned in the previous chapter, it is here useful to add a few more examples about the ways in which the governmentality toolbox can be employed in the study of reception. For instance, it is possible to identify sovereign power at stake in all those measures intended to prevent migrants from reaching the EU and to reject asylum seekers, thereby making them ineligible for reception measures. While the Italian naval mission in Libyan waters that was briefly mentioned in the Introduction is an example of the first set of measures, the functioning of the first Italian hotspots as devices of “illegalisation”, which is explored in Chapter 6, falls within the second group of measures. Disciplines, instead, are discernible at the micro-level of reception practices which present a pedagogical intent, as emphasised by some of the studies

discussed in section 1.3. (Pinelli 2013; 2015). Through such disciplinary practices, those who support asylum seekers try to guide their “actions, behaviours, habits, and words” (Foucault 2006b, p. 40) in order to produce “docile bodies” which are ready for being accepted by the host society and, most of all, its job market.

A second shortcoming that affects some studies in the field stems directly from the teleological reading that was just mentioned. Indeed, analyses based on such a reading tend to reproduce a gradual rationalisation of the forms of government under study, thus presenting neoliberalism as the inevitable outcome of history and the most efficient form of government. Authors like Ewald, for example, end up celebrating the “ontology of risk and the virtues of enterprise” (Lemke 2013, p. 46), rather than problematizing them (Donzelot & Gordon 2008, p. 53; Lemke 2013, p. 46). Similarly, the tendency to focus on neoliberal forms of government and their ability of “governing through freedom” (Rose 1999, p. 62) has resulted in downplaying the role of repressive, violent and authoritarian mechanisms that constitute the other side of the coin of neoliberal governmentality (Lemke 2013, p. 41). Hence, the perspective of governmentality loses its potential for critiquing rationalities and technologies of power and becomes an instrument of legitimisation of the forms of government analysed (Donzelot & Gordon 2008, p. 53-55). On the contrary, authors like Mariana Valverde (1996) and Barry Hindess (2001) stress the interplay between freedom and domination, which characterises liberal forms of government. In line with these approaches, this thesis also avoids the conflation between governmentality and (neo)liberal governmentality and pays attention to the elements of coercion at stake in the government of asylum seekers.

The third possible drawback in studies of governmentality results from the abovementioned rationalisation of government and concerns the underestimation of the conflictual dimension which is instead intrinsic to technologies of government. Indeed, some analyses which adopt the approach of governmentality tend to present governmental programs as “closed and coherent entities, as achievements and accomplishments rather than as projects and endeavours” (Lemke 2013, p. 42). In this way, rule is presented as a linear and smooth process and governmental programs seem “so systematically integrated that change must be accounted for from elsewhere” (Rose, O’Malley, & Valverde 2006, p. 98). Such an approach is problematic in two

respects. First, it neglects the contingent, and thus always variable, character of governmental programs, which are not the expected outcome of a preordained plan but are rather the unstable and assembled effect of constant negotiations, conflicts, and variations (Rose, O'Malley, & Valverde 2006). Second, it marginalises resistance by relegating it to a role of mere negativity. However, as Lemke observes (2013, p. 43), “opposition and struggles do not take place in an interval ‘between’ programs and their ‘realisation’ [...] they are always-already part of them, actively contributing to ‘compromises’, ‘fissures’ and ‘incoherencies’ constitutive of such programs”. As it is discussed in greater detail in Chapter 6, the approach adopted here rejects an apolitical understanding of governmentality and rather considers the EU reception regime as a field of struggle.

It is particularly important to avoid the shortcomings which have just been quickly stressed, as this helps maintaining the specificity and critical potential that the perspective of governmentality offers in comparison to governance theory. Indeed, a teleological, smooth and liberal understanding of governmentality ends up levelling the perspective of governmentality to the discourse of governance. Since the 1980s, the notion of governance has acquired an increasing diffusion in the debates in political science, international relations, and public policy.⁷² Governance denotes a form of government that responds to an increasingly more complex and interdependent world, in which the state is not the key actor anymore (Walters 2012, p. 65). In this perspective, the activity of governing is therefore understood as “polycentric and multileveled” (Walters 2012, p. 65) and carried out by a multiplicity of actors, both public and private. Consequently, it is believed that a greater complexity led to a transformation in the exercise of political power, which became increasingly accomplished through forms of steering and networking rather than controlling and commanding (Walters 2012, p. 65).

Hence, governance theory and the perspective of governmentality share important similarities which are stressed by authors like Lemke (2012, pp. 34-39) and Walters

⁷² For a discussion of governance theory see Stoker (1998). For a critical discussion of the relationship between governmentality and governance see Walters (2004b; 2012, pp 64-68), Lemke (2012, pp. 34-39), Mezzadra & Neilson (2013a, pp. 177-178). My arguments here are mainly inspired by these sources.

(2012, pp. 64-68). Both perspectives move beyond the centrality of the state as the source of power and understand government as a “*practice* rather than a set of institutions” (Walters 2012, p. 65, italics in the original). Yet, these two perspectives also have significant differences which need to be emphasised and preserved, especially because their obliteration would cancel out governmentality’s critical edge. The first key difference concerns the different role accorded to conflict by the two perspectives. The intrinsic relationship between power and resistance that informs the Foucauldian perspective needs to be kept in mind while addressing governmentality. As I have already mentioned above with a reference to a fuller discussion in the Chapter 6, conflicts, struggles, and resistance are here understood as fundamental elements in the perspective of governmentality. The emphasis on struggles and resistance calls into question the “consensual and technocratic image of the world” projected by governance theory (Walters 2012, p. 66). Indeed, the latter’s emphasis on practices of consultation, participation, dialogue, and partnership marginalises conflicts and friction, and it therefore ends up providing a neutral and apolitical account of processes of government.

The second key difference concerns a different historical account, specifically in relation to the role of the state. Whereby governance theory identifies a break, with the end of an era dominated by states and the gradual diffusion of multilevel, indirect, decentralised, and consensual forms of rule, the perspective of governmentality problematises the idea that such supposed era of the state ever existed in the first place (Lemke 2012, p. 37). If one maintains the genealogical underpinnings of governmentality, the narrative proposed by governance theory reveals itself too linear and teleological, as if the greater complexity of a globalised world required the replacement of the centrality of states with new forms of political authority organised in terms of governance. The history of governmentality that is carried out by Foucault calls into question the idea of “a golden age of the nation-state” (Walters 2012, p. 67), which is assumed by governance theory, as such an idea represents nothing but another way of essentialising the state. Where governance sees an erosion of state sovereignty, governmentality sees instead a reconfiguration of broader technologies of power in which the state has always been entangled among other actors. Far from being the replacement of a system dominated by states, from the point of view of governmentality, governance is rather:

[A] particular “art of government” that is firmly rooted within a liberal concept of the state. It stresses political consensus, mutual accommodation, and collective problem solving, and searches for mechanisms that foster coordination, cooperation, and harmonisation. The governance discourse translates fundamental political antagonisms and oppositions into procedural arrangements to articulate different but reconcilable interests.

(Lemke 2012, p. 37-38)

In summary, this section has explored the trajectory undertaken by the concept of governmentality after Foucault’s formulation. Some contextual information about the establishment and development of the field of studies of governmentality has been provided with the goal of stressing the specificity of this body of literature in comparison with Foucault’s thought. In addition, the section has discussed some weaknesses that can be identified in studies of governmentality, which my approach intends to avoid. While this section has focused more on a negative account of the misunderstandings and blind spots affecting studies of governmentality, the next one adopts a more constructive stance and stresses the benefits of governmentality for the study of the reception of asylum seekers in the EU.

3.2. GOVERNMENTALITY AS A MODE OF ANALYSIS FOR THE STUDY OF RECEPTION

Notwithstanding the several references in *Security, Territory, Population* (Foucault 2009) to the circulation of things and people, Foucault never dealt specifically with the topic of migration. He was nonetheless sensitive to refugee issues as it is demonstrated by a short statement that he delivered at the United Nations headquarters in Geneva in 1981 (Walters 2015, p. 1). The statement is a call for a mutual and transnational solidarity against the suffering of other men and was published in the French newspaper *Libération* shortly before his death in June 1984 (Foucault 2002c). Yet, despite the lack of material on the topic, Foucault’s reflections have had a substantial impact on migration research (Fassin 2011; Walters 2015). In particular, his work on governmentality has been recently used and reworked in very fruitful ways in the field of critical borders and migration studies (Walters 2015; Tazzioli 2015a; Tazzioli & Walters 2016).

With respect to asylum, some authors highlight the relevance of governmentality in the study of the international refugee regime (Lippert 1999; Lui 2004). Other authors employ insights stemming from Foucault's work on governmentality in the study of the humanitarian government of refugee (Hyndman 2000; Agier 2011). The perspective of governmentality is also adopted by Randy Lippert (2004; 2005) in the study of sanctuary practices in Canada. Lippert also investigates the rationalities underpinning refugee resettlement, again in the Canadian context (2006). Heath Cabot draws from Foucault to understand the role of documents as regulatory technologies that both reinforce and undermine attempts to make asylum seekers governable (2012).

On issues which are closer to the topic of reception, Aiwaha Ong (2003) analyses the multiple technologies of government through which Cambodian refugees' subjectivities are shaped according to the imperatives of a modern and liberal citizenship in the United States. Similarly, Foucault is a point of reference for several contributions to the edited volume by Sorgoni (2011b), which was discussed in the previous chapter. Jonathan Darling instead analyses the management of reception accommodation in the UK as an example of "domopolitical governmentality" (2011, p. 264), whereby "domopolitics" stands for the attempt to govern the state as a *domus*, that is the Latin word for house or home (Walters 2004c, p. 241). Darling identifies three main outcomes of such a form of governmentality, which concern the classification between deserving and undeserving subjects, the government of the circulation of asylum seekers through dispersal measures, and the implementation of a politics of discomfort and uncertainty which confines asylum seekers at the limits of the *domus*. Furthermore, Foucauldian tools are key in studies focusing on the detention of rejected asylum seekers (Gill 2009b).

This thesis believes that the relationship between governmentality and reception can be further explored because a more thorough use of the governmentality toolkit can bring about significant benefits for the study of the reception of asylum seekers. For this reason, one of the main objectives of this thesis is precisely to explore the possible advantages of such encounter. Besides providing innovative diagnostic tools for addressing reception in the ways that are explored in the remainder of this section, the perspective of governmentality offers a fresh perspective on the subject, as it is

exemplified by the idea of reception as a form of government. Therefore, the pages that follow aim to explore the possible advantages of an encounter between governmentality and reception, while also clarifying what is at stake in such encounter. More specifically, the section highlights some implications which result from the adoption of governmentality as a mode of analysis for the study of the reception of asylum seekers. This also provides further clarifications about my understanding and use of the notion of governmentality.

Four main points can be stressed in relation to the analytical perspective of governmentality. The first has already been disclosed in the previous section when the risks implicit in the efforts of systematisation of the perspective of governmentality were highlighted. Against these risks, governmentality is here interpreted as a “tool kit” (Walters & Haahr 2005, p. 5), rather than an overarching theory which is ready to be transposed from one object of study to another. The reason behind this choice is that the historical process of “governmentalisation of the state” that was described by Foucault refers to a specific geographical and historical setting, and therefore this needs to be kept well in mind when dealing with the concept of governmentality. Foucault himself was particularly reluctant to re-employ his own concepts in contexts and objects of analysis which differed from the original ones. Besides that, it is also important to recall once again that governmentality was part of an ongoing reflection, which was not entirely coherent and fully systematised even in Foucault’s work. It is therefore necessary to avoid what Walters calls the “dangers of [...] *applicationism*”, which he describes as “the tendency [...] to regard governmentality as a fully formed perspective that one simply applies to a particular empirical area or topic” (Walters 2012, p. 5).

For these reasons, again following Walters, my approach considers governmentality as a “style of analysis [which] draws our attention to the conduct of conduct, and especially the techniques and knowledges that underpin attempts to govern the conduct of selves and others in diverse settings” (Walters 2012, p. 38). This means that the perspective of governmentality is adopted because it is believed to offer “a set of methodological and conceptual guidelines” (Walters 2012, p. 40) that can be productively followed for the study of forms of government, their rationalities and technologies, targeting asylum seekers. Moreover, such perspective should be

intended as “dynamic” (Walters 2012, p. 45), thus leaving the possibility for constantly testing and rethinking existing concepts as well as crafting new ones. Governmentality is therefore conceived as a mode of analysis that provides important tools for investigating the complex configurations of power in which asylum seekers are entangled.

While the first analytical principle consists in a preliminary remark about the overall posture to be maintained towards Foucault’s reflections on governmentality, the following three principles stem directly from the approach that he adopts in his genealogy of governmentality. These principles are discussed by Foucault at the beginning of the lecture of 8th February 1978, the one following the “governmentality lecture”. On that occasion, Foucault clarifies his choice of studying the state through “such a thoroughly obscure notion as that of ‘governmentality’” (Foucault 2009, p. 116), by referring to a “triple displacement” (Foucault 2009, p. 116) that is required by such analysis. This “triple displacement” consists in:

The attempt to free relations of power from the institution, in order to analyse them from the point of view of technologies; to distinguish them also from the function, so as to take them up within a strategic analysis; and to detach them from the privilege of the object, so as to resituate them within the perspective of the constitution of fields, domains, and objects of knowledge.

(Foucault 2009, p. 118)

Such a “triple movement of a shift to the outside” is adopted by Foucault in his investigation of disciplines (1991a) and during the 1978 course it becomes the methodological model that he follows in the study of the state. A similar attempt is here imitated with respect to the study of the reception of asylum seekers in the EU. Indeed, the “triple displacement” carried out by Foucault identifies three methodological recommendations that I consider as key elements of the perspective of governmentality. These methodological principles call for the “extra-institutional, non-functional, and non-objective generality of the analysis” (Foucault 2009, p. 119). These principles have extremely relevant effects on the study of reception, which are now discussed as the second, third, and fourth features of governmentality as a mode of analysis.

The second feature consists in an invitation to “move outside the institution and replace it with the overall point of view of the technology of power” (Foucault 2009, p. 117). This principle involves the dismissal of an “‘institutional-centric’ approach (Foucault 2009, p. 116) which can be achieved by “going behind the institution and trying to discover in a wider and more overall perspective what we can broadly call a technology of power” (Foucault 2009, p. 117). It is therefore an approach that resonates very well with the attempt to move beyond a formal understanding of reception that is proposed here. Dismissing an “institutional-centric” approach to reception means indeed investigating reception outside institutions and situating it within a wider technology of power of which reception policies, centres, and projects are only one aspect. In other words, it means acknowledging that the reception of asylum seekers cannot be analysed by focusing exclusively on reception policies (either EU or national) or forms of assistance and support targeting specifically asylum seekers (i.e. reception projects, reception centres, and so on).

The invitation to move outside the institution therefore calls for an analytical approach which starts from “concrete practices” (Foucault 2008, p. 3), “instead of deducing concrete phenomena from universals, [...] as an obligatory grid of intelligibility for certain concrete practices” (Foucault 2008, p. 3). The universal is here reception and it is examined *through the grid* of reception practices. What is at stake is thus an “ascending analysis of power” (Foucault 2003b, p. 30), which starts from “micropractices whose connection, systematisation, and homogenisation only allows for a description of macro-phenomena” (Bröckling, Krasmann, & Lemke 2011a, p. 12). Paraphrasing Foucault, it can be said that the thesis attempts to “understand [reception] by looking at its extremities, at where its exercise became less and less juridicial” (Foucault 2003b, p. 28), or, in the language that I used in Chapter 1, *formal*. In other words, this means considering reception as a form of government in itself, which is not limited to its formal and institutional dimensions but refers more broadly to the multiple and complex forms of power through which asylum seekers’ conduct is conducted. In the following chapters, some technologies of government which currently target asylum seekers are explored with the goal of identifying their overall intelligibility.

The third analytical principle deriving from Foucault's "triple displacement" involves "moving outside in relation to the functional point of view" (Foucault 2009, p. 117). This is a call for an analysis of reception that is not based on "the functions we expect it to perform, those defined as its ideal functions, and of the optimal way of exercising them" (Foucault 2009, p. 117). Such an analysis would indeed provide an account of failures and successes from the point of view of government and its rationality. In the case of reception, this would mean accepting the discourse that underpins EU and national reception policies and assessing them through the lenses of their own stated goals and proclamations, as it is the case of formal approaches that were reviewed in Chapter 1. A "functional" analysis would therefore attempt to identify failures and successes; investigate the reasons behind failures; propose solutions for receiving, implementing, or harmonising better; or, at its extreme, denounce the overall policy discourse as a mere smokescreen. In other words, such an analysis would not be able to break the functional circularity of the governmental rationality of the EU reception regime and grasp its power effects.

On the contrary, Foucault's suggestion is to break that circularity and "substitute the external point of view of strategies and tactics for the internal point of view of the function" (Foucault 2009, p. 118). Such a move exposes the "strategic character of government" (Lemke 2013, p. 44), which denotes the possibility that "the untoward effects of a technique which mark a failure within one programme can still be recouped as 'successes' within the coordinates of another one" (Gordon 1980, p. 250). Consequently, an analysis that takes the point of view of strategies, as opposed to the one of the function, does not restrict itself to the identification of failure and its forms. On the contrary, it focuses on the effects of the supposed failure in order to discover whether they turn out to serve other purposes than the original ones. In other words, such a *non-functional* analysis looks for the "strategic reinvestment" (Lemke 2013, p. 45) or "strategic utilisation" (Foucault 1980a, p. 40) of the effects of failure. As it is further developed in Chapter 6, the point here is not to register the failure of EU policies towards asylum seekers or to understand how these policies could be improved. From the perspective of governmentality, the issue at stake is precisely to investigate what such failure produces.

The last analytical principle concerns the object of analysis and relates to the refusal of universals which is implied in the genealogical method. As I have already mentioned above, such a refusal of universals requires a kind of reversed analytical approach. Indeed, the investigation needs to begin from the practices underpinning the object of analysis, rather than “seeking to measure institutions, practices, and knowledges in terms of the criteria and norms of an already given object” (Foucault 2009, p. 118). From this point of view, reception and its harmonisation in the EU is not a “ready-made object” (Foucault 2009, 118) which is already there, waiting to be analysed. Rather, it is the result of the combination of technologies of power and forms of knowledge which brought into being a regime of truth in which certain discourses, knowledges, and practices could become effective. It is precisely the process that led to the constitution of this new field of governmental intervention that has to be grasped. This means that it is not possible to take for granted that one knows what reception is or should be; to what practices it refers; what its objective nature and features are; and what the result of the harmonisation process will be. Rather, the overall intelligibility of reception should be explored through the analysis of the practices that constitute it as an effect.

Hence, this analytical principle calls for understanding government as a “*problematizing activity*” (Rose & Miller 1992, p. 181, italics in the original), meaning that it is based on a double movement of representation and intervention (Lemke 2001, p. 191). Indeed, government “defines a discursive field [...] by the delineation of concepts, the specification of objects and borders, the provision of arguments and justifications” (Lemke 2001, p. 191), while simultaneously introducing specific strategies for intervening upon it. For the purposes of this thesis, such an understanding of government draws attention to the discursive field that posed the management of asylum seekers as a “problem” to be governed at the EU level. This problematisation thus gave birth to a new institutionalised object of EU policy, which could then be analysed by specific rationalities and tackled by specific technologies of government. While the genealogical analysis of the emergence of the reception of asylum seekers as a new problem requiring a response from the EU exceeds the scope of this analysis, the thesis nonetheless adopts this analytical principle for the examination of the policy of harmonisation. Specifically, Chapter 5 examines the politics of truth underlying the

idea of the smooth and even space of a common area of protection to be governed through the policy of harmonisation and the Dublin system.

The analytical recommendations that have been discussed in this section define my understanding of governmentality as a mode of analysis which can be productively employed for investigating the study of the reception of asylum seekers in the EU. Such an understanding and use of the governmentality toolkit should be sufficient for not replicating the negative aspects affecting some studies of governmentality, which were presented in the first section. However, to strengthen the approach adopted here, the next section introduces another conceptual tool which is considered a useful supplement to the perspective of governmentality. This tool is the concept of regime and it keeps at bay coherent, rational, and functionalist interpretations of government by emphasising its multiple, contradictory, and contingent character.

3.3. THE EU RECEPTION REGIME

The first and most influential conceptualization of the idea of regime in the field of migration is the one proposed by Giuseppe Sciortino in an article on irregular migration towards Western Europe (Sciortino 2004). In this publication, Sciortino problematizes the conceptual framework underpinning policy-oriented research on irregular migration and develops the concept of migration regime as a tool for better understanding irregular migration dynamics. He identifies three main benefits offered by such conceptualisation, which in turn expose the consistency between the notion of regime and the “triple displacement” produced by the governmentality-informed mode of analysis that was discussed in the previous section.

First, the concept of regime “brings to attention the effects of norms in contexts, rather than operating a simple review of juridical rules” (Sciortino 2004, p. 32). In this respect, a regime analysis resonates well with the extra-institutional and practices-based approach required by governmentality. Second, the regime “is usually not the outcome of consistent planning”, but “a mix of implicit conceptual frames, generations of turf wars among bureaucracies and waves after waves of ‘quick fix’ to emergencies, triggered by changing political constellations of actors” (Sciortino 2004, p. 32-33). Besides emphasising the elements of conflict and negotiation at stake in processes of

government, this definition denotes an analytical posture which Foucault would define as “non-functional”, as it implies a displacement from the functional point of view of the regime and its stated goals. Third, the idea of regime draws attention to “the interdependence of observation and action” (Sciortino 2004, p. 33), thus evoking the co-implication of power and knowledge in the construction of objects of government, which was discussed in the previous section.

Few years after Sciortino’s formulation, the notion of regime was reworked by an interdisciplinary group of scholars who outlined a theoretical framework and proposed some methodological guidelines for what they call a “regime analysis” (Tsianos & Karakayali 2010; Hess 2012). An important innovation introduced by these scholars consists in the combination of Sciortino’s insights with an understanding of borders that emphasises their fragmented, diffused, porous and productive nature. Drawing on the work of authors such as Peter Andreas and Timothy Snyder (2000), Etienne Balibar (2004), Enrica Rigo (2005), and William Walters (2002), proponents of regime analysis call into question the analytical helpfulness of interpreting the border through metaphors such as the line or the wall. On the contrary, they suggest that the border is better understood as a “structurally perforated [...] regime” (Hess 2012, p. 431), whose main function is not merely to exclude and control, but it is also to filter, differentiate, and “produce clandestinity” (Tsianos & Karakayali 2010, p. 377).

The combination of the idea of regime with this broader conceptualisation of borders paves the way to the notion of border regime, which has been widely used in critical literature on borders and migration in recent years, especially in relation to the EU context. The notion of border regime presents two key aspects that need to be considered. The first one is the idea that “migration is co-constituent of the border as a site of conflict and as a political space” (Kasperek, De Genova & Hess 2015, p. 69). This is a crucial analytical and epistemological decision which conceptualises migration as an “immanent central driving and structuring force” of the regime and not as a mere reaction to border policies (Hess 2012, p. 431). In this perspective, it is rather the border regime that reacts to the turbulence and the transformations caused by movements in an attempt of stabilising and managing them (Cremonesi, Irrera, Lorenzini & Tazzioli 2013, p. 149).

The second key aspect of the notion of border regime is that it sets aside the “myth of *zero migration*” (Tsianos & Karakayali 2010, p. 375, italics in the original) by acknowledging that exclusion and control are not the main objectives of the regime. This does not mean underestimating the violence of border controls, the widespread use of detention, and the refinement of tactics of expulsion, which are clearly crucial in the current EU border regime. Rather, this means acknowledging that the regime is not driven by a sole attempt to seal borders, but by the objective of “stabilising a system of dams” (Mezzadra 2011, p. 131), a play of filters, which could allow “an active process of inclusion of migrant labour through its illegalisation” (De Genova 2002, p. 439).

In the wake of the path opened by these reflections on migration regimes and border regimes, this thesis introduces the notion of EU reception regime to describe the heterogeneous set of practices, actors and rationalities at stake in the field of the reception of asylum seekers in the EU. The EU reception regime should be understood as a specific aspect of the broader EU border regime, an aspect that is particularly relevant in the present historical conjuncture. Such a relevance is due to the increasing importance of international protection in managing what could be defined as “unwanted” migration, that is, migration from countries included in what Henk van Houtum defines the “‘black’ Schengen list” (2010, p. 962). Citizens from these countries, which significantly include the whole Africa (apart from Mauritius and Seychelles) and most of Asian states,⁷³ require a visa in order to be granted admission in the EU. In this way, as Van Houtum suggests, the EU puts in place a “global apartheid” which prevents most people from non-Western countries to travel to the EU. Indeed, apart from few dedicated channels for specific categories,⁷⁴ there is no other possibility for those in the “black Schengen list” but arriving in the EU in an irregular way and then regularising their position through an asylum application. For this reason, asylum policies, and consequently reception, have become a key aspect of

⁷³ Exceptions include Brunei, Israel, Japan, Malaysia, Singapore, South Korea, and Timor-Leste. The list, however, includes Caribbean, Latin American and Oceanic countries as well. For an updated full list of countries on the EU’s visa list, see here: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/visa-policy/apply_for_a_visa/docs/visa_lists_en.pdf

⁷⁴ These are highly qualified workers, seasonal workers, intra-corporate transferees, students, and researchers. See the European Commission’s webpage on legal migration for more information: https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration_en

the EU border regime today, to the extent that they indeed represent a privileged standpoint from which to investigate its contemporary functioning.

The remainder of this section explores the features of the EU reception regime by stressing the advantages that this notion brings to an analysis of the reception of asylum seekers in the EU. The section focuses on two key features of the EU reception regime; namely, the lack of a single dominating rationality (sub-section 3.3.1.) and the historical and contingent character of the regime (sub-section 3.3.2.).

3.3.1. The Lack of a Single Dominating Rationality

The notion of EU reception regime intends primarily to highlight the multiplicity of actors, practices, and rationalities at stake in the government of asylum seekers in the EU. As discussed in the previous chapter, this thesis understands government in the terms proposed by Foucault and therefore as an activity which is not only prerogative of states and governments. In line with this understanding, the notion of reception regime emphasises the multiplicity of actors that are involved with different responsibilities and at different degrees in the government of asylum seekers in the EU. The European Council; the European Commission; the JHA Council; national governments; national ministries; local municipalities; state agencies; international organisations; NGOs; private businesses; non-profit organisations; health-care associations; grass-roots organisations; and volunteers' groups are some of the actors involved in the government of asylum seekers in the EU. Moreover, these actors include a panoply of institutional and professional roles, such as policy-makers, bureaucrats, civil servants, municipal employees, experts, doctors, psychologists, social workers, case-workers, volunteers, activists, language teachers, and so on.

It is therefore easy to imagine the sheer variety of agendas, interests, responsibilities, expertise, values that characterise such a multitude of actors. Some actors are driven by the bureaucratic and institutional duty of accommodating asylum seekers as quickly as possible and in compliance with the law, as it is the case with *Migrationsverket* or *Prefettura*. Others are led by humanitarian ideals of support for migrants, like NGO workers and volunteers that I met in Bolzano, Gothenburg, Lampedusa, Pozzallo, and Siracusa. In some other cases, humanitarian ideals look more like a façade, which

hides significant economic interests as the next chapter shows in relation to emergency reception measures. Alternatively, some actors frame their work in political terms and carry out advocacy, monitoring, and information campaigns meant to challenge EU and national policies.

Besides these contrasting objectives informing the conduct of actors involved in the EU reception regime, it is worth stressing how different positioning within the regime's economy of power may enlarge or reduce the field of possibilities available for each actor, as well as affect their actual efficacy. Moreover, following anthropological studies on bureaucracies, institutions, and organisations, it is also necessary to call into question a monolithic and unitary understanding of each actor of the regime.⁷⁶ What are normally referred to as *the* European Commission or *the* municipality are rather assemblages of multiple units, departments, and individuals, whose practices relate but are not always nor necessarily consistent. Far from being rational and homogeneous actors from which policies and actions originate mechanically so as to achieve desired outcomes, the players of the regime are rather marked by internal conflicts, negotiations, and disagreements. Hence, they should be intended as processes that are open-ended and shifting or, in other words, as spaces in which different views and forces confront each other, rather than a "coherent whole driven by a unitary and homogeneous project" (Abélès 1995, p. 76).

To discuss an example from fieldwork, *Migrationsverket* certainly imposes an institutional agenda, strategic guidelines and codes of conduct on its employees. Surely the vision and agenda of the organisation are shared by many of its employees. Yet, this does not mean that such agenda is not contested or organisational policies are implemented in the same way everywhere and in each situation. One of the reception officers that I interviewed, for example, drew my attention to what Jacqueline Best would call the "inescapability of interpretation" (Best 2012, p. 88) which marks bureaucratic practices, leaving ground for discretion and different ways of implementing rules and guidelines. Referring specifically to such degree of freedom available in daily activities, he said:⁷⁷

⁷⁶ See for example Wright (1994) and Abélès (1995; 2004).

⁷⁷ The gender of all interviewees is chosen randomly to protect their anonymity.

It is the praxis, more or less, that is different. I mean, the law is not easy to interpret and one of the problems that I can feel is that we don't really get those very clear guidelines from above. Part of it is also intentional – because, you know, as a civil servant you have your own responsibility, you have your own interpretation of things, and still have to follow of course the baseline of the law. But within the law there is always possibility for interpretation.

(Interview with a *Migrationsverket* reception officer, January 2015)

Sometimes discretion is allowed from above, as suggested by this quote, while other times discretion is the result of disobedient practices which expose the “contested manner in which policies are simultaneously enacted by different people in different situations” (Shore & Wright 2011, p. 8). Such an infinite possibility of interpretation traces multiplicity within each institution, group, and organisation, thus problematising an understanding that portrays them in unitary and homogeneous terms. The multiplicity of actors configures the regime as a space crisscrossed by conflicts and frictions and marked by a hybrid and highly complex composition of different techniques and rationalities in which it is impossible to discern a single dominating logic. Marked by overlapping techniques and governmental programs, the regime might even seem contradictory and perverse and pave the way to practices whose rationale is not always clear.

Such a perverse character of the regime is evident if one considers a possible result of the interplay between the obligation for EU states to provide reception to asylum seekers and the lack of a similar obligation as concerns support measures for those granted protection. Even if this is examined in greater detail in the Chapter 5 in relation to the mechanisms of temporal differentiation informing reception, it is here important to underline a possible consequence of such interplay. The consequence I am referring to consists in the abandonment of beneficiaries of international protection which might take place shortly after the concession of the status because of the lack of support programs following the end of reception measures. Besides leading to the paradoxical situation in which the achievement of protection can translate into a condition which is even more demanding and unstable than the asylum-seeking one, the possible end of support for those granted protection nullifies the efforts and investments made through reception measures, as they are abruptly interrupted. This is particularly

evident in Italy in which the provision of a support program for all beneficiaries of international protection is lacking.

Hence, to speak of a EU reception regime means considering phenomena like the one just mentioned not as the result of the plan of some coherent, rational and powerful actor, whose objective is to exclude and make beneficiaries of international protection more vulnerable. Following Sciortino, one should better remind that the EU reception regime is not the “outcome of consistent planning”. Practices like the one discussed above, and like those discussed in the following chapters, should rather be understood as effects of the messy and incoherent interplay of multifarious and sometimes conflicting actions, practices, and intentions. In this perspective, when I refer to the key role of rationalities of logistics, differentiation, or failure in the current conjuncture, I do not mean that all the actors commit to these rationalities and voluntarily work for implementing them. Rather, I understand these rationalities as the overall intelligibility of a set of effects which can be identified at work in the contexts studied, whose relevance I deem worth of further attention. Such an aggregate intelligibility of different sets of effects can only be appreciated as an authorless strategy (Ferguson 1994, p. 20), as I will argue in Chapter 6. Let me now turn to the second feature of the EU reception regime, which stems directly from the lack of a single dominating rationality.

3.3.2. Historical and Contingent Character of the Regime

The acknowledgment of the lack of a coherent and unique intention which drives the functioning of the EU reception regime takes me to the second feature that I would like to discuss. Far from being the outcome of a master plan, the regime is rather an “effect of social practices” (Hess 2012, p. 430), whose coherence cannot be presupposed in a functionalist manner (Hess 2012, p. 430). Following again Sciortino’s definition, it is possible to describe the EU reception regime as “the result of continuous repair work through practices” (Sciortino 2004, p. 33), thereby stressing its historical, contingent, and thus always reversible, character. Such a historical and contingent character is the second key feature of the regime and it implies an analytical posture which, once again, resonates well with the perspective of governmentality discussed in the previous chapter. Indeed, in order to attend to the historical and

contingent character of government, the notion of regime invites one to shift the focus of analysis to the contexts and practices in which the regime literally takes shape through its operation. Therefore, as with governmentality, a regime analysis goes beyond institutions and aims to grasp the “effects of norms in contexts”, as Sciortino puts it (2004, p. 32).

Following this approach, the thesis conceives the government of asylum seekers through reception and its harmonisation in highly contextualised terms, as “a complex formation assembled out of many little bits and pieces [...] not without precarious connections” (Walters 2012, p. 99). In this respect, the EU reception regime is the shifting outcome of an endless interplay between unintended effects and reactions to them. Most of the policy measures which form the regime can indeed be interpreted as responses to problems created by earlier governmental attempts or adjustments to previous measures that turned out to be ineffective. For example, one can interpret the whole harmonisation process as a set of successive measures meant to respond to the Dublin Convention, which in turn reacted to concerns inaugurated by the creation of the Schengen free movement area. Similarly, the hotspot approach and the relocation measures adopted in the wake of the European Agenda on Migration, which are explored in Chapter 5 and 6, respectively, were explicitly framed by the Commission itself as responses to the failure of measures that had been adopted before them; in particular, the Dublin system.

From this perspective, the regime thus resembles a “patch work” (Walters 2012, p. 74), resulting from a continuous fix and repair which fails to deliver the expected outcomes, but creates nonetheless the conditions for further governmental intervention. Moreover, the result of such continuous fix and repair appears as a hodgepodge which has a precise appearance and specific effects, even if it lacks a functionality that can be deduced from the stated objectives and programs driving the regime. Yet, despite the lack of a functionality, the regime looks like having a certain coherence in some of its effects, as I will argue in Chapter 6 when comparing the functioning of the regime to the Foucauldian *dispositif*. Without addressing in detail the question here, it is nonetheless helpful to quote the words that Foucault used to describe the French legal system, as these provide an interesting model for the functioning of the EU reception regime as well. Taking the frenzied constructions

made by the modern artist Jean Tinguely as an example, Foucault describes the French legal system as:

[O]ne of those immense piece of machinery, full of impossible cog-wheels, belts which turn nothing and wry gear-systems: all these things which ‘don’t work’ and ultimately serve to make the thing ‘work’.

(cited in Gordon 1980, p. 257)

Foucault’s description of the French legal system as a *thing* that works by not working is particularly relevant and explains well the kind of provisional intelligibility which can result from the interplay of a set of different measures that, at a first glance, seem to fail in relation to their initial objectives. A similar analytical posture is adopted in this thesis, as it will become clear in the following chapters.

CONCLUSION

This chapter has completed the theoretical foundations of the thesis by defining my understanding of governmentality as a mode of analysis and introducing the notion of regime. More specifically, the first section reviewed the trajectory undertaken by the concept of governmentality after Foucault’s formulation. The chapter then moved on to specify the features of an analytical approach informed by the work of Foucault on governmentality, while also pointing to the ways in which such an approach can be brought to bear for the purposes of the thesis. The third section highlighted the benefits of adopting the concept of regime, as this has been elaborated in the field of critical migration studies. Besides being consistent with my understanding of governmentality, it was argued, a regime analysis importantly exposes the lack of a coherent and rational plan informing the government of asylum seekers in the EU as well as the contingent, patchy, and thus reversible character of such government.

In this respect, the last section introduced the notion of EU reception regime to define the heterogeneous set of practices, actors, and rationalities which are involved in the reception of asylum seekers in the EU. Far from proposing an overgeneralisation and portraying as a unit something which clearly is not as such, the idea of EU reception regime rather describes a complex and heterogeneous formation which has nonetheless

common features and trends that connect diverse contexts. The empirical investigation that is proposed in the following chapters intends precisely to explore some of these features, which I could examine during my fieldwork in several locations in Italy and Sweden. The next three chapters are therefore the outcome of the operationalisation of my mode of analysis in the investigation of what I defined in the Introduction as a translocal object of study. Specifically, through the exploration of techniques of government targeting asylum seekers in concrete situations in Italy and Sweden, the next three chapters identify three rationalities at stake in the EU reception regime, which correspond to three precise ways of governing asylum seekers: logistics, differentiation, and failure. The thesis argues that these different ways of governing asylum seekers attribute to the regime three distinctive qualities, thus transforming it into a reception industry, a reception roulette, and a reception *dispositif*. Let me begin with the analysis of the rationality of logistics, because of which the EU reception regime operates as a reception industry.

CHAPTER 4

THE RECEPTION INDUSTRY: GOVERNING THROUGH LOGISTICS

In the previous chapter, governmentality was presented as a mode of analysis which can be productively combined with a regime analysis to study the multiple and heterogeneous practices through which asylum seekers are governed through reception in the EU. Importantly, both analytical approaches converge towards the adoption of qualitative research methods as those employed by this investigation. On the one hand, governmentality takes concrete practices as the starting point of analysis, as this complies with the “triple displacement” described in Chapter 3. Indeed, a primary focus on practices allows an analysis which is not only directed to institutions and does not take for granted the object of study and its internal functionality. On the other hand, a regime analysis equally pays special attention to practices in order to identify the contradictory and patchy character of government. Hence, both governmentality and regime analysis call for situated investigations of concrete settings, situations, and relationships.

Following this indication, the thesis is based on empirical material gathered through semi-structured interviews and informal conversations with a range of different actors, which were carried out in diverse contexts in Italy and Sweden between January 2015 and February 2016. The interviews were organised around some main themes, such as: features of reception measures provided to asylum seekers in the local context, forms of support for those who are granted protection, shortcomings affecting measures towards asylum seekers, peculiarities of local contexts, and personal opinions on the issues discussed.

Within this general framework, the outline of each interview was tailored to the interviewee in order to get the most out of the specific competences and strengths of everyone. So, for example, the interviews to those involved in the disembarkation of migrants in Sicily were primarily focused on that specific aspect. Moreover, the outline followed for the interviews was also modified according to information gathered during previous interviews. While this was primarily a strategy to triangulate information, it also allowed me to gradually build on the collected material and explore in greater depth specific issues which emerged in interviews. An attempt was also

made to mould each interview while still in progress in order to give interviewees enough room to discuss topics which they considered particularly important. As a general precaution, the interview process paid specific attention to the following issues: heterogeneity of localised forms of reception, specificity of local settings, ambiguity of policies and asylum seekers' responses, gaps between policies and their implementation, and inter-institutional conflicts and their outcomes.

Interview material was then transcribed and processed in two ways. First, the most descriptive parts were used to provide context for the specific location or issue studied, which was further explored through specific readings in order to gather a picture as much "grounded" as possible of the phenomena under analysis. Second, the initial phase of open coding was then followed by a thematic coding aimed at identifying the most relevant issues in relation to the overall framework of the research project. Specifically, the main themes in each transcript were assigned a specific colour and grouped together with sections from other interviews which dealt with the same topic. The new documents which were created through the combination of sections taken from different interviews were particularly helpful for pinpointing the most relevant themes, such as those emerged in several interviews. These themes were then explored in depth and finally shaped the structure of the thesis.

The overall objective of the empirical investigation was to identify techniques of government which characterise the ways in which asylum seekers are currently governed through reception in the EU. Hence, even if fieldwork was expected to provide details about the specificity of each location examined, the empirical analysis rather adopted local contexts as vantage points from which to get insights on broader political processes investing the management of asylum seekers in the EU, as specified in the Introduction. This chapter examines a technique of government which, I suggest, constitutes a key mechanism through which asylum seekers are currently governed in the EU. Such a technique of government can be defined as emergency reception, whereby this expression denotes those temporary and extraordinary forms of reception deployed outside ordinary measures to face what are presented as exceptional crisis situations. Emergency reception connects diverse contexts that I analysed in Italy and Sweden, but it can also be considered a common trend that extend well beyond these two countries as some recent reports on the reception of asylum seekers in the EU

highlight (EMN 2014; ECRE 2016). Therefore, I contend that emergency reception represents a EU-wide attempt to govern asylum seekers through reception.

The focus on emergency reception, its assumptions and its effects offers a privileged standpoint from which to investigate broader processes affecting reception at large. Such processes are not exceptions produced by an emergency mode of governing, but they are rather underlying tendencies which are amplified by such an emergency government. This chapter explores one of these tendencies which materialises through emergency reception and consists in the becoming logistic of reception. Logistics is thus identified as a key mode of governing asylum seekers in the EU. However, it is important to stress that logistics is not the only rationality at stake in the management of asylum seekers and it should be rather understood as one among multiple logics targeting asylum seekers. Indeed, two more rationalities emerged during fieldwork, which seem particularly relevant in the present conjuncture: differentiation and failure. This chapter and the following two focus on each of these rationalities and their effects. Yet, my focus on logistics, differentiation, and failure should not lead one to think that they alone define the government of asylum seekers in the EU. Neither should these rationalities be imagined as immutable, coherent, and functioning in a smooth and linear way, free from frictions and contestations. The clarifications in the previous chapter were specifically meant to avoid such an understanding.

The chapter begins by discussing the forms, assumptions and effects of temporary and emergency reception measures. Specifically, the first section articulates the complex relationship between emergency reception and crisis, stressing two things in particular (section 4.1.). The first is that temporary measures are premised upon a crisis narrative which legitimises a worsening of reception standards for the sake of urgency and necessity. The second is that such measures tend to make the crisis chronic and thus prepare the ground for their own indefinite reproduction. In the second section (4.2.), it is showed how an emergency approach to reception fosters a process of commodification which gradually transforms reception into a profitable business. The consequences of these phenomena are discussed in the third section (4.3.), in which it is observed how emergency measures tend to transform reception into a form of warehousing, thus revealing the operation of a logistical rationality.

4.1. EMERGENCY RECEPTION

The patchy character of the regime is exemplified very well by the first common trend that I would like to discuss, which concerns the widespread diffusion of temporary and emergency reception measures. These measures have not only spread in Italy and Sweden in recent years, but all over the EU (EMN 2014; ECRE 2016). For this reason, they constitute a distinctive feature in the current EU reception regime. With the expression of temporary and emergency reception measures, I refer to reception facilities that are opened outside the framework of what national authorities describe as ordinary reception facilities, in order to accommodate asylum seekers once the full capacity of ordinary facilities is reached. Temporary measures are usually set up through specific calls for tenders or direct procurement, which thus guarantee streamlined procedures, increased executive powers, and less-regulated access to funding. This type of reception usually presents several problems, a key one being the creation of a second-class reception whose differentiating effects on asylum seekers are investigated in the next chapter.

Besides producing a second-class reception, temporary and emergency measures give rise to other significant transformations in the reception of asylum seekers, which are worthy of consideration. My suggestion is that emergency provides us with a fundamental vantage point from which to identify broader processes affecting reception that are exacerbated by an emergency mode of governing. Such a mode of governing is underpinned and legitimised by a crisis narrative which has played a key role in the domain of reception in recent years. The discourse of crisis and its intimate relationship with reception are the subject of the first sub-section (4.1.1.). In particular, the sub-section highlights the mechanisms through which a crisis of reception is brought into being, while also stressing the more or less implicit assumptions upon which the discourse of crisis is based and which it reproduces. The following sub-section then turns to the crucial relationship between crisis and temporality and its effects on reception (sub-section 4.1.2.). Notably, it is stressed how urgent, immediate and short-term responses required by a situation of emergency promote a form of reception that increasingly resembles warehousing.

4.1.1. Reception Crisis: its Construction, its Assumptions, its Effects

The widespread dissemination of temporary measures is a process which I could notice in all the contexts I visited during fieldwork. During my visit to Sweden in early 2015, *Migrationsverket* was in the middle of an expensive and contested process of outsourcing of reception measures to private contractors, which was framed by my interviewees as an emergency response to the exceptional nature of the situation that was affecting the country at that time. In the narrative of *Migrationsverket's* officers, the exceptionality of the situation was motivated as a consequence of the massive increase in arrivals of asylum seekers, especially Syrians, which led reception facilities to a saturation point. Given the shortage of rental apartments available to *Migrationsverket*, the agency had to outsource the management of big reception facilities to private contractors through specific calls for tenders. Private contractors are normally profit-making companies, which for the most part have no necessary previous experience in the field of reception as they come from domains as diverse as hospitality, care services or, in some cases, were even specifically started to exploit such a massive market opportunity.⁷⁹

In order to open temporary reception facilities, private contractors apply for *Migrationsverket's* calls for tenders by offering what can be defined as actual “reception packages” which provide an agreed set of services at a certain price. These packages normally involve finding a facility, preferably of big dimensions, transforming it into a reception centre and providing the staff for the management of the facility. Facilities can be the most disparate ones, such as hotels, holiday resorts, former hospitals, and former military barracks, which are rearranged to host asylum seekers. Many of these temporary facilities present several problems, which concern the location in remote areas, the poor living conditions, overcrowding, and the lack of trained staff. Notably, emergency reception measures produce a second-class reception which seriously undermines the creation of a common area of protection upon which the CEAS is based, as I discuss in greater detail in the next chapter.

⁷⁹ In particular, just to provide some examples: Jokarjo AB was specifically created for locating and running asylum accommodations; Aleris operates in the field of healthcare and care services; Attendo offers care services for the elderly and disable persons as well as healthcare.

However, it also needs to be stressed that the process of outsourcing of reception facilities was not welcomed by pretty much all the *Migrationsverket's* employees I talked to because of the drawbacks just mentioned. All of them acknowledged the need for emergency measures as a necessary and temporary evil to tackle what was pictured as an exceptional situation, a *crisis*. The words of a *Migrationsverket's* reception officer provide a good example of the crisis narrative underpinning the belief that temporary reception measures are needed:

We try to avoid these big camps that we had in the 1990s, which were quite isolated and having hundreds of people in the same spot. You know, more about a kind of hotel business. But now we have come back to that kind of accommodation much more because of the situation and the crisis, right now, in finding accommodation. So right now, we have quite a lot of these big camps.

(Interview with a *Migrationsverket's* reception officer, January 2015)

This quote demonstrates how the adoption of emergency reception measures is premised upon a crisis narrative, which allows the framing of a specific situation as exceptional. However, such exceptionality should not be taken at face-value and should be rather problematized in the wake of recent scholarship on the relationship between crisis and migration (Nyers 2006; Lindley 2014; De Genova & Tazzioli 2016; Pallister-Wilkins 2016; Jeandesboz & Pallister-Wilkins 2016). This body of research has called into question the presumed objective nature of crisis and drawn attention to the governing practices enabled by such narrative. Following this scholarship, the exceptionality of the situation described above, which in the words of my interviewee called for a re-opening of big temporary reception centres, also needs to be scrutinised. Far from being a self-evident fact, what is presented as a crisis which hit Sweden and its reception system should rather be understood as the precise effect of labelling practices which *produced* the crisis by counterposing it to a supposed ordinary situation.

Acknowledging the constructed nature of crises allows one to question the presumed normality that is disrupted by the supposed exceptional event as well as to identify the role of the crisis narrative in sustaining a specific image of normality. As concerns the reception of asylum seekers, what is indeed an ordinary situation? It is important to

pose this question as it is not just a rhetorical one. Instead, it reveals how crisis discourses in the domain of reception conceal assumptions about a supposed “right” number of asylum seekers who are expected to arrive and will need to be accommodated. Let us take the example of SPRAR, the Italian ordinary reception system.⁸⁰ The network of local reception projects composing SPRAR currently provides a bit more than 31,000 places.⁸¹ Hence, one is led to think that such is the “right” number of asylum seekers according to Italian authorities, even if this quota is clearly at odds with data on arrivals and asylum applications (see Table 1 below). Without investigating the reasons underlying the definition of that quota, what counts here is that, beyond such threshold, the reception system is pictured as in crisis, thus providing an argument for the necessity of emergency reception measures. Two observations are required in this regard.

First, the idea that the capacity of a reception system has a cap above which the system is deemed in crisis is very dangerous as it tends to transform reception as a limited resource which is subordinated to organisational issues. As the Swedish Prime Minister Stefan Löfven observed during a visit to a reception centre in the southern border town of Trelleborg in October 2015, “the work being carried out is fantastic, but at the same time it expresses what we know, that *we are approaching the limit of our reception capacity*” (The Local 2015, my italics). What is implied by such a statement is that, once the limit is reached, reception cannot be provided to all those who are entitled to it. Or, alternatively, it is implied that the same average quality standards cannot be guaranteed to everybody and this is precisely what happens with emergency measures as they pave the way to a second-class reception. The line of reasoning underpinning discourses on the limit of reception systems seems to assume that the quantity of asylum seekers prevails on the quality of reception measures, as if it is somehow inevitable that a certain degree of quality cannot be granted to a larger number of recipients.

⁸⁰ See the next chapter, specifically section 5.2., for a fuller description of SPRAR and the Italian reception landscape.

⁸¹ Updated data is available on the SPRAR website: http://www.sprar.it/progetti-territoriali?sort_order=id+asc. Besides SPRAR network, it is necessary to consider around 14,000 places in first-reception centres. First-reception centres include: *Centri di accoglienza per richiedenti asilo* (CARA – Reception centres for asylum seekers), which are discussed in section 5.2., *Centri di Accoglienza* (CDA – Reception centres), and *Centri di Primo Soccorso e Accoglienza* (CPSA – First-aid and reception centres).

Table 1: Arrivals, asylum applications, and capacity of the SPRAR network in Italy.⁸²

Year	Arrivals	Asylum Applications	Capacity in the SPRAR network
2007	20,165	13,310	2,411
2008	36,951	31,723	4,388
2009	9,573	19,090	3,694
2010	4,406	12,121	3,146
2011	62,692	37,350	3,979
2012	13,267	17,352	3,979
2013	42,925	26,620	10,381
2014	170,100	63,456	20,752
2015	153,842	83,970	21,613
2016	181,436	123,600	26,012

But this idea of a limited reception capacity also leads to a second issue that needs to be underlined. Such an idea supports the argument that the crisis is something brought by an external factor (Heller et al 2016); namely, asylum seekers who are too many for the places and resources available. In this perspective, it is not the reception system that proves ineffective and needs to be reformed, but it is the number of asylum seekers which is too high and needs to be reduced. This argument is clearly exemplified by the Swedish asylum reform that was proposed only a few weeks after the Prime Minister's statement reported above and voted in June 2016.⁸³ One of the declared goal of the reform is precisely to reduce the number of asylum seekers in order to create respite

⁸² The table is a personal elaboration based on data from various reports and institutional sources. In particular, data on arrivals between 2007 and 2015 is taken from ANCI et al (2016, p. 83), while the figure on 2016 arrivals is taken from *Cruscotto statistico giornaliero 31 dicembre 2016* (Daily Statistics Report 31 December 2016), provided by *Ministero dell'Interno* and available at http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31_dicembre_2016.pdf. Data on asylum applications is from *Ministero dell'Interno* (2017), and figures on the capacity of the SPRAR network can be found in SPRAR (2017, p. 13).

⁸³ The reform was introduced by Law (2016: 752) concerning temporary restrictions on the possibility of obtaining a residence permit in Sweden, and it will be valid until 19th July 2019, unless the Swedish Parliament decides to modify its duration. The main changes brought about by the new law concern: the introduction of temporary residence permits instead of permanent ones for beneficiaries of international protection (three years for refugee status and thirteen months for subsidiary protection); fewer possibilities for family reunification for refugees while no possibility at all for beneficiaries of subsidiary protection (except for cases in which this goes against obligations defined by international conventions); abolition of permits of stay based on humanitarian grounds (so-called "others in need of protection"); and fewer possibilities to obtain residence permits based on distressing circumstances. For more information, see FARR (2017).

for the reception system, as emphasised by the government when introducing the reform:

[T]he Government now proposes measures to *create respite* for Swedish refugee reception. This requires a *dramatic reduction* in the number of people who seek asylum and are granted a residence permit in Sweden.

(Government of Sweden 2015, my italics)

Hence, it is possible to observe here some of the pernicious effects of crisis narrative. Through the definition of a finite reception system under strain, the crisis narrative does not only legitimise temporary reception measures, but it even shifts the blame for the deficiencies affecting reception measures to asylum seekers and provides the ground for restrictive measures aiming to reduce the number of asylum seekers.

However, when I refer to labelling practices that produce the crisis, I do not want to suggest that crisis should be intended in merely discursive terms. Rather, consistently with the Foucauldian approach adopted here, I understand discursive practices as inextricably intertwined with the level of practices. Crisis are labelled as such, but they are also the effect of specific policies and practices and, in turn, give birth to very material effects. An example from the border region of Malmö can help clarifying the role of bureaucratic decisions in producing a crisis. Sanna Vestin, the President of FARR (*Flyktinggruppernas Riksråd* – National Network of Refugee Support Groups), a network of Swedish grass-roots organisations advocating for the right of asylum, illustrates very well the institutional decisions which led to a crisis point requiring emergency responses, such as the opening of overcrowded temporary facilities and the restrictive asylum reform mentioned above:

We, in the refugee movement and in the civil society, we do not agree with the description according to which the system was collapsing or there were problems in the society. What *Migrationsverket* and the *Myndigheten för Samhällsskydd och Beredskap* (MSB – Swedish Civil Contingencies Agency) tried to put forward was the idea that Sweden could not handle the situation. They said for example that asylum seekers were sleeping rough in Malmö. That happened yes, maybe one night or two, but the problems began when the police and the government decided that everyone had to be registered in Malmö. Before that, asylum seekers were allowed

to go everywhere: most of them went to friends or relatives, had some rest for a few days and then lodged their asylum applications in one of the designated *Migrationsverket*'s offices in different parts of the country. [...] Suddenly, when border controls were put in place, the police decided that nobody could leave the border area before being registered. But we are talking about a period [October/November 2015] in which there were around 1,000 people arriving each day, so of course this was not possible. As a consequence, a big event hall near Malmö was turned into a first-reception centre. This was highly criticised because people were not let out. They were in detention in fact [...] Reception conditions in that emergency centre were also very bad: hundreds of people were accommodated there, also families with children, but the building was not meant to host that number of people and thus toilets were not enough.

(Asilo in Europa 2016)

This description provides an interesting example of the process through which a crisis can be brought into being by mundane bureaucratic decisions, as well as exposing how crisis labelling is a contested battleground. Besides that, it also shows that the constructed nature of the crisis does not prevent it from having concrete and material effects requiring an immediate response. This draws attention to the interesting relationship between crisis and temporality, which I would like to discuss in relation to two different dimensions of the temporality of crisis: urgency and temporariness.

4.1.2. The Temporality of Crisis

The connection between crisis and urgency is a very intimate one. Crises require an immediate and prompt response, thus paving the way to practices dictated by urgency. During a crisis, rapid solutions are needed and, precisely because of the promptness required, such solutions often tend to deal with symptoms rather than addressing root causes. Crises therefore promote what Peter Nyers defines a “problem-solving mentality”, which “not only is largely uncritical of prevailing and unequal global power relations but also discourages critical thinking about what constitutes a ‘normal’ state of affairs” (Nyers 2006, p. 3). By directing attention to a specific time and space, the production of a crisis moves broader structural processes to the background and thus contributes to the depoliticisation of the issues it affects (Pallister-Wilkins 2016). In this respect, the accommodation of thousands of newly arrived asylum seekers is

transformed into a technical issue requiring an immediate solution, while political, economic, and historical reasons behind such arrivals as well as critical considerations about broader reception, border, and social policies are put aside.

Besides obliterating the political dimension of the phenomena under consideration, the situation of urgency that informs a crisis assigns a key role to improvisation, therefore exposing very well the patchwork nature of the EU reception regime and its mode of operation through quick fixes, to recall Sciortino's words. In this respect, several interviews revealed what Mountz describes as "policy on the fly" (Mountz 2010, p. xv), meaning a policymaking which takes shape in the present as a reaction to exceptional circumstances which are presented as an impediment to long-term planning. For example, while discussing the criteria according to which asylum seekers are sent to a recently opened transit centre in the north of Italy, the manager of the centre admitted: "there is not really a well-established procedure [...] we move forward by trial and error" (Interview with the director of a reception centre, January 2016). Evidently such improvised attempts might well turn out to be inappropriate, short-sighted, and thus failing, precisely because of the urgency informing their conception. The negative features of temporary measures that are discussed in the next chapter provide a good example in this regard.

Besides that, however, it also needs to be stressed how improvisation entails an implicit acceptance of lower qualitative standards for the sake of urgency. Since a huge number of people needs to be accommodated as soon as possible, the assumption is that it is certainly not possible to reject make-shift solutions that are below ordinary standards. After all, another distinctive feature of a crisis is that it "requires sacrifice in order to surmount it" (Edelman 1977, p. 44). In the case of reception, the problem is that such sacrifice rests on asylum seekers, who must accept the solutions provided, regardless of the conditions and the quality of the services. This shows how the crisis is narrated from the point of view of the receiving society and not from the perspective of those who are actually experiencing the negative effects of such crisis situation. Furthermore, urgency and the improvised practices which it fosters justify forms of reception that resemble warehousing, as it is argued in the last section.

The second dimension of temporality characterising crisis situations consists in the temporariness that normally distinguishes the response to the crisis. Indeed, as the condition of crisis is presented as exceptional and therefore destined to finish sooner or later, the responses required for tackling it are usually imagined as contingent and short-term, so that they can be easily concluded once the crisis is over. Hence, the choice of temporary reception measures and short-term contracts with private contractors in charge of temporary facilities, rather than more stable solutions, such as a significant extension of the SPRAR network in the Italian context. Similarly, a more durable solution in Sweden would have required *Migrationsverket* to rent more apartments and to hire more civil servants in order to manage them, rather than outsourcing this task to private actors, with all that it involves in terms of greater job flexibility and streamlining of administrative procedures.

However, this should not be interpreted as a choice driven merely by economic interests, especially given that temporary reception measures turned out to be more expensive both in Italy (Ministero dell'Interno 2015b, p. 53) and in Sweden (Riksrevisionen 2016, p. 5). On the contrary, temporary solutions play a crucial symbolic function, which lies in the attempt to deny the ordinary character of migrant arrivals while simultaneously reinforcing the idea that a normal state of affairs is one with a limited number of asylum seekers. In this way, asylum seekers are implicitly portrayed as a “problem”, which is simultaneously framed as a temporary one. Nevertheless, such an attempt to convey an idea of temporariness paradoxically goes hand in hand with the becoming chronic of the very “problem” that is framed as temporary. This happens because temporary solutions inevitably tend to reproduce the condition of crisis by adding short-term patches and quick fixes which do not engage with long-term structural issues. In this way, the emergency mode of governing prepares the ground for its own indefinite reproduction as the prolongation of the crisis will continuously call for urgent and immediate responses to tackle the same as well as new problems.

The example provided by Italian reception policies is paradigmatic in this respect, as it testifies the permanent and self-reproducing character of emergency measures as well as the way in which facilities that were initially meant to be temporary have then been absorbed by the ordinary reception system. The birth of the SPRAR itself can be

described as the institutionalisation of a temporary and emergency measure. SPRAR was created in 2002, following on the experience of *Programma Nazionale Asilo* (PNA – Asylum National Programme), which was formed the year before thanks to a protocol signed by the Ministry of Interior, the *Associazione Nazionale Comuni Italiani* (ANCI – National Association of Italian Municipalities), and the United Nations High Commissioner for Refugees (UNHCR). The PNA was built on the experience of several localised reception projects started by NGOs and associations between 1999 and 2000 in order to support asylum seekers, who at that time were mostly those fleeing from the war in Kosovo (SPRAR 2008). When 50,000 people arrived by sea in 1999 (SPRAR 2016), Italy did not have a national and public reception system yet. Hence, the establishment of the SPRAR network can be interpreted a reaction to such a situation, but at the time of its creation in 2002 the network could only count on 3,000 places.

The total capacity of SPRAR remained pretty much the same until 2013 when the overall number of places rose to 10,300 thanks to few consecutive enlargements in the wake of the so-called Arab springs. In 2014, SPRAR's capacity was increased to 13,020 places, plus 6,500 buffer places to be activated in case of need, while at the end of 2016 the network could count on more than 26,000 places. However, if one has a look at the number of arrivals in this period, it is clear that SPRAR has been far from satisfying Italy's reception needs (see Table 1, p. 132). During all these years, Italian authorities have relied on temporary and emergency reception measures outside the framework of SPRAR, rather than enlarging the network. This should give an idea about the permanent and self-reproducing character of emergency measures. The decision not to enlarge the network led to a situation in which new presumed crises have arisen from time to time, pushing the Minister of Interior to set up temporary reception facilities.

This happened for example in April 2011, when the government appointed *Protezione Civile* (Civil Protection) in order to accommodate asylum seekers fleeing from the war in Lybia.⁸⁴ On this occasion, instead of enlarging and strengthening the SPRAR system, the government opted for the creation of a parallel reception system managed

⁸⁴ The Italian Civil Protection Department is a department within the Presidency of the Council of Ministers and it is usually in charge of interventions following natural disasters and catastrophes.

by *Protezione Civile*. Such system is commonly known as *Emergenza Nord-Africa* (ENA – North-African Emergency) and it had a capacity of 18,300 places at the end of 2012, when the SPRAR could provide less than 4,000 places (Giovannetti 2013, p. 54). ENA gave rise to a lot of criticisms mainly revolving around the lack of a long-term reception policy, the bad reception conditions, the waste of public money, and the examples of corruption and ill-management which scattered all over the country. Yet, only a few months after the end of the reception measures managed by *Protezione Civile* in February 2013, new temporary and emergency facilities had to be opened by the Italian authorities in order to cope with a number of arrivals which was far beyond the capacity of the recently enlarged SPRAR network (see Table 2 below). The management of the new emergency was not assigned to *Protezione Civile*, but to *Prefetture* which in turn contracted out new temporary facilities – the so-called *Centri di Accoglienza Straordinaria* (CAS - Extraordinary Reception Centres) – to cooperatives and private businesses.

Table 2: Italian reception capacity divided by type of facility.⁸⁵

Year	Arrivals	Capacity in the SPRAR network	Capacity in temporary measures	Capacity in first-reception centres ⁸⁶
2014	170,100	20,752	35,499	9,592
2015	153,842	21,613	76,683	7,394
2016	181,436	26,012	137,218	15,514

Therefore, what has been repeatedly framed as a necessary measure, which in certain historical moments indeed revealed itself as a truly necessary measure – the urgent opening of emergency facilities – appears as the precise effect of political choices which have rendered the crisis chronic. As such, the succession of quick fixes characterising the Italian approach to reception in the last 15 years has blurred the distinction between emergency and norm, showing that temporary emergency

⁸⁵ The table is a personal elaboration based on data available in the following sources: data on 2014-2015 arrivals is taken from ANCI et al (2016, p. 83); data on the SPRAR network is provided by SPRAR (2017, p. 13); 2014 data on temporary measures and first-reception centres are taken from *Ministero dell'Interno* (2015a); 2015 data on temporary measures and first-reception centres are taken from *Ministero dell'Interno* (2016, p. 20); all 2016 figures are available in *Cruscotto statistico giornaliero 31 dicembre 2016* which is provided by *Ministero dell'Interno* (see footnote n. 82, p. 131 for the link). The figure on the capacity of first-reception centres for 2016 also includes 820 places in hotspots.

⁸⁶ See footnote n. 81, p. 131, for a list of the types of reception centres included in this category.

measures have become a permanent mode of governing asylum seekers. The reference to Giorgio Agamben is needed here and in particular his endorsement of Walter Benjamin's famous claim that "the state of exception... has become the rule" (Agamben 2005, p. 6). Agamben describes the "*relation of exception*" as that "extreme form of relation by which something is included solely through its exclusion" (Agamben 1998, p. 18, italics in the original). Drawing on Carl Schmitt, Agamben contends that it is precisely in the decision on the exception that sovereignty manifests itself.

Without going too much into detail in the debate on the state of exception, I think that it is helpful to follow some recent scholarship on the government of emergencies and decouple the study of emergencies from the analytical framework of exception and its emphasis on the sovereign decision (Adey, Anderson & Graham 2015; Anderson 2016). This scholarship invites one to investigate emergencies beyond exceptionality by observing that the state of exception "is no longer, if it ever was, the single technique or paradigm, nor does it provide a kind of general model for understanding all ways of governing emergencies" (Adey, Anderson & Graham 2015, p. 4). In this perspective, emergency reception measures should not be reduced to an expression of a unilateral sovereign political decision whose ultimate aim is the strengthening of the executive power of the state. On the contrary, an analysis of emergency reception beyond the framework of exceptionality can help identifying the productive effects of emergency modes of governing.

In this respect, emergency reception measures can be interpreted as a laboratory for experimenting new techniques of government in the field of reception. Three possible lines of research can be identified in this regard. First, emergency reception measures foster a logistical approach to reception because the urgency to accommodate significant numbers of asylum seekers in a short span of time puts into the foreground technical and logistical imperatives. In this way, reception becomes a matter of organisation, identification and arrangement of new facilities as well as allocation of people: in other words, reception is transformed into a form of warehousing, whereby people are moved to the background, as the last section of this chapter demonstrates. Second, the normalisation of emergency reception measures, which were initially introduced as temporary ones, multiplies the heterogeneity of reception conditions and

experiences and therefore strengthens a mode of governing through differentiation, which is the subject of next chapter. Third, rather than a strengthening of state's sovereignty, emergency reception measures support a process of privatisation and commodification of reception which not only testifies the involvement of a range of private actors in the reception of asylum seekers, but progressively transforms reception into a profitable business. This process is explored in the next section.

4.2. THE RECEPTION INDUSTRY

Emergency measures are often criticised for many reasons, all of which are extremely pertinent, such as the inadequacy of the emergency response, the poor reception conditions, the improvisation and lack of long-term planning. Despite being all important aspects that require attention, these types of critique do not really depart from an analytical framework informed by the paradigm of exception. Even when the becoming structural of emergency measures is stressed, the emergency government of reception tends to be framed in negative terms, as something that mistreats or criminalises asylum seekers, wastes money, and worsens reception conditions (Campesi 2011; Marchetti 2014). It does not matter how permanent the emergency has become, but in such a perspective emergency reception measures still seem to represent the suspension of a supposed normal order. As a supplement to such analyses, I would like to suggest another interpretation which engages with the productive dimension of emergency. Indeed, far from representing a simple suspension of the ordinary, emergency reception sheds a light on processes affecting reception at large and therefore offers an important standpoint from which to investigate broader tendencies currently affecting the reception of asylum seekers. The first sub-section intends precisely to introduce one of these broader tendencies, which consists in the commodification of reception (sub-section 4.2.1.). The following one instead discusses some possible drawbacks of putting profits over people (sub-section 4.2.2.).

4.2.1. The Commodification of Reception

The tendency that I would like to focus on concerns the commodification of reception, meaning its gradual transformation into a profitable business. Such a process is

particularly evident if one considers the economic impact of reception, which is clearly an aspect that is not limited to emergency measures, but whose relevance and potential scope are nonetheless amplified by emergency. By economic impact of reception, I refer to the significant possibilities for profit involved in the provision of reception. These possibilities are emphasised by emergency measures because an emergency approach promotes “a deluge of funding with little controls”, as the director of a reception centre in Italy admitted (Interview with the director of an Italian reception centre, January 2016). Moreover, such a process of commodification brings to light what can be defined as a reception industry. In this respect, the reception of asylum seekers in the EU offers another example of the scope of the “migration industry” that Ninna Nyberg Sørensen and Thomas Gammeltoft-Hansen conceptualised so as to grasp the increasing “commercialisation of international migration” in relation to facilitation, control, and rescue (Nyberg Sørensen & Gammeltoft-Hansen 2013). Three dimensions of the reception industry can be drawn out.

First, the core of the industry consists in the management of reception facilities themselves. Private businesses, NGOs, or cooperatives: an increasing array of actors are involved in this field and make a profit by providing accommodation to asylum seekers. Jokarjo AB, the biggest private company in the management of asylum accommodations in Sweden, earned around £15,4 million between January and October 2015 according to some journalistic inquiries (SvD Näringsliv 2015; Nordenstam 2015). Moreover, the management of reception facilities requires a whole range of professional figures and therefore the creation of jobs should also be included in the economic impact of reception. Just to name a few roles involved in reception facilities, there are social workers, reception officers, interpreters, cleaning staff, and even handymen. Besides that, it should also be kept in mind that a higher number of asylum seekers is likely to increase the demand for case-officers, language teachers, psychologists, legal consultants, and administrative staff.

A second dimension of the reception industry concerns reception’s linked activities and all the network of suppliers. From disembarkations to the reception facilities in which asylum seekers are accommodated, reception is premised upon a range of infrastructures, services and objects which are necessary for the functioning of the regime even if they may sometimes pass unnoticed. Clothes are provided on the quays

and at reception centres. Catering is also delivered at different steps of asylum seekers' trajectories. Asylum seekers are moved from the place of arrival to their appointed reception facilities, which are sometimes hundreds of miles away, thus increasing the profits of transport companies which are contracted these transfers. In other cases, asylum seekers are even transferred between different reception centres during the asylum procedure. Furthermore, the management and maintenance of reception facilities requires a constant supply of housewares, furniture, bedding, and toiletries. All these reception-related economic activities produce wealth and employment.

This boost for local economies takes me to the third dimension of the industry, which concerns its role in contributing to the revitalisation of deprived and remote areas. When I visited Kiruna in the Lapland region, for example, *Migrationsverket's* employees told me that several temporary facilities in the area were old hotels fallen into disuse which had been bought or rented by a private company and transformed into reception centres. Notably, in the small village of Pajala, which was an old mining location which had lost its main economic activity with the closure of the mine, the private contractor took over several accommodations left by former miners and transformed them into housing for asylum seekers. The benefits of reception on local economies are also underlined by a report commissioned by the Italian Ministry of Interior, clearly stating that "the costs for the provision of reception measures are primarily directed towards local economies in the form of salaries, rents, and consumption" (Ministero dell'Interno 2015b, p. 53).

Yet, despite the increasing importance of such an industry, it is quite difficult to find official figures about the costs and benefits of reception, especially concerning the linked activities and the effects on employment. There are nonetheless figures about the costs of reception facilities. As concerns Sweden, *Riksrevisionen* (Swedish National Audit Office) published a report on asylum accommodations in 2016 with a focus on the period 2012-2015 (Riksrevisionen 2016). The report states that in 2015 *Migrationsverket* spent approximately £346 million for asylum accommodations, of which approximately £264 million for temporary facilities (Riksrevisionen 2016, p. 18). In the same year, in Italy, the Ministry of Interior estimated a total expense for the reception of asylum seekers of almost £1 billion, of which approximately £793 million were destined to first-reception centres and temporary facilities (Ministero dell'Interno

2015b, p. 53). The estimates drawn up by the Italian government for 2016 and 2017 are respectively of approximately £1,7 billion and £2,2 billion (Ministero dell'Economia e delle Finanze 2016).

The economic potential of the reception industry is also demonstrated by the increasing involvement of big companies in the field, some of which are even owned by huge investment funds, equity groups, and industrial holding companies.⁸⁸ Most importantly, this is not only the case of Italy and Sweden, but there are interesting examples all over Europe as John Grayson emphasised (2016), laying the foundations for an important path of research. To rearrange a statement from Nyberg Sørensen and Gammeltoft-Hansen, it is possible to observe that reception “has become a business, big business” (Nyberg Sørensen & Gammeltoft-Hansen 2013, p. 2). To be sure, this is not the aim of all the components of the regime, but the increasing involvement of new actors attracted by the potential economic gain emerged quite evidently in both countries, especially in relation to the management of temporary facilities.

4.2.2. Effects of Commodification

That reception is becoming a big business was also confirmed by several of my research participants, both in Italy and in Sweden. For instance, a Swedish activist observed that:

It seems that it's very easy to make a lot of money, especially now, because *Migrationsverket* doesn't have enough facilities and there are more people coming from Syria. They [*Migrationsverket*] have a big shortage so they have to buy these services from others and then people [private contractors] make a lot of money.

(Interview with an activist, January 2015)

Similarly, an NGO worker described the situation in Sweden as “very disgusting [and] horrible” (Interview with an NGO worker, January 2015), referring to the profits that several private actors were making out of asylum seekers. Most importantly, these

⁸⁸ For example, Aleris in Sweden is owned by Investor AB, an investment company which is controlled by the powerful Wallenberg family (<http://www.reuters.com/finance/stocks/overview?symbol=INVEb.ST>); while Attendo is owned by IK investment partners, a European private equity group (<http://www.ikinest.com/ABOUT-IK/>).

complaints did not come only from activists and NGOs, but from *Migrationsverket's* employees as well, as it is demonstrated by the words of a reception officer who described the involvement of private contractors in the following terms: “it’s just business, they [private contractors] see that they can earn some money” (Interview with a *Migrationsverket's* reception officer, January 2015).

As concerns Italy, instead, it is worth reporting a longer quote from an activist with a previous experience as a social worker, as such a quote encapsulates two aspects of the reception industry that require further attention:

Here, the few services that are available for asylum seekers are inadequate and are mainly conceived for the cooperatives that are working in this domain. I mean, the focus is not on migrants, but on business. In fact, it is always the same people, the same cooperatives, that are involved [...] The system is made for them [...] Such is the system upon which the non-reception [*non-accoglienza*] is based. I say non-reception because it is based on giving to cooperatives, creating employment for Italians, serving vested interests, rather than on the attention to people. There is no attention to migrants.

(Interview with an activist, October 2015)

The first aspect that needs to be stressed concerns the gradual advancement of a market logic, according to which the final purpose of reception measures becomes profit instead of asylum seekers’ support. In this way, the commodification of reception fosters processes of dehumanisation, whose features are discussed in the next section. In the system of *non-reception* mentioned by the interviewee, asylum seekers are turned into a source of profit through the management of accommodations and the creation of employment. What needs to be stressed, however, is that such a process of dehumanisation is not only at stake when business is the declared objective of those running reception facilities. On the contrary, asylum seekers are dehumanised even when their presence is praised or justified because of their expected contribution to the hosting society. I could hear this argument in several locations, especially the most deprived and isolated ones. Here, the role of asylum seekers in contrasting a progressively ageing population, depopulation, as well as in creating jobs, was often emphasised. Yet, such a discourse is also dehumanising as it objectifies asylum seekers by framing them as a resource for local economies and communities. Furthermore, the

downside of this discourse is that asylum seekers will be welcomed only so long as they will represent a contribution.

The second aspect emerging from the quote above relates to the role that vested interests can play in the reception industry, thus paving the way to bad management, bad reception conditions, if not even corruption and clientelism.⁸⁹ Because of such vested interests, it can happen that extremely poor housing conditions are tolerated as it was denounced by an NGO worker in Italy: “there are CAS that have been reported several times by the director of the local health authority, by UNHCR, but they are still open... Do you know what I mean?” (Interview with an NGO worker, November 2016). Without delving into the disturbing connections between the reception industry and organised crime in the Italian context, as this falls outside the scope of this thesis, it is necessary to stress the effects that vested interests might have on reception conditions. Indeed, in a context of emergency, the reception industry might end up allocating a huge power to private contractors which are not always transparent and irreproachable, but which can nonetheless guarantee promptness, flexibility, and a significant organisational capacity. As a result, institutions might run the risk of depending upon these powerful actors, whose main goal is profit, as this quote describes well:

Prefettura's difficulties in shutting down reception facilities is evident [...] If I report something wrong about a reception facility, *Prefettura* is not going to proceed because relocating fifty people in an area which is already overwhelmed is a massive problem. Hence, it is very unlikely that the reported reception centre will be closed. Another reason for that is that the director of centre in question is probably running ten more facilities so if you want to end the contract for the management of a facility then you have to do it for all the other facilities. How can you do that?

(Interview with an activist, October 2015)

A similar reliance on private contractors arose in Sweden as well, in which several research participants emphasised *Migrationsverket's* need to turn to private actors for locating additional reception capacity as quickly as possible. The problem with this situation is that private contractors can become too powerful because they are those

⁸⁹ This emerged particularly in the Italian context, in which corruption and organised crime have historically played an important role in political, economic and institutional terms.

who can provide a solution to *Migrationsverket*'s urgent needs. The downside of this situation was observed by a reception officer who stressed that it can be difficult to monitor private contractors or to have the expected quality standards, because "the company knows we are really depending on them, so it's a very fine line" (Interview with a *Migrationsverket*'s reception officer, January 2015). The commodification of reception can therefore easily lead to poor reception conditions, thus fostering a form of dehumanisation that differs but complements the one discussed above. In this second variety, the process of dehumanisation of asylum seekers is not based on economic terms but takes place by treating them like objects through the provision of bad reception measures. This is an ever-present possibility given the gradual strengthening of profit-making actors which can count on a significant organisational structure and substantial resources.

To summarise, these examples highlight the productive side of emergency, thus showing that there is something more at stake in the emergency mode of governing than a mere strengthening of an exceptional sovereign power. This section has specifically shown how emergency can reveal itself a way to capitalise on asylum seekers and their reception, through a process of privatisation which promotes the commodification of reception. The privatisation of reception denotes a process of restructuring of state capacities that is not possible to examine in depth here as it would exceed the scope of this work.⁹⁰ Nonetheless, it is important to observe how the reliance on private contractors, NGOs, and cooperatives for the management of reception facilities not only blurs the line between public and private, but also raises questions about the impact of private actors on reception policies and practices at large. The development of a business of reception may change the way in which reception is going to be imagined and carried out in the near future. Some changes are already in action as I emphasise in the next section.

4.3. GOVERNING THROUGH LOGISTICS

The analysis of emergency reception measures in Italy and Sweden exposes two possible outcomes of an emergency approach to reception. The first concerns an

⁹⁰ On the privatisation of reception in the context of "ordinary" measures see also Darling (2016a; 2016b).

indefinite extension of a situation of crisis in which urgency and temporariness become the rule informing policies and practices, while the second refers to a process of commodification of reception in which profit-seeking actors acquire an increasingly key role. Both these effects tend to transform reception into a form of warehousing as they move asylum seekers to the background either for the sake of urgency or for the one of profit. In the first case, the need to rapidly accommodate asylum seekers makes organisational and logistical concerns prevail over the care for those to be received. In the second case, the search for profit becomes the main objective to the detriment of the provision of support and assistance. Such a gradual transformation of reception into a form of warehousing is a worrisome trend that I could notice during fieldwork. The aim of this section is to identify the stakes in this transformation and it is divided into two sub-sections: the first one introduces my understanding of reception as warehousing (sub-section 4.3.1.), while the second one sketches out the features and effects of a logistical approach to reception (sub-section 4.3.2.).

4.3.1. Reception as Warehousing

The idea of warehousing was first adopted by the US Committee for Refugees to describe the condition of refugees in humanitarian camps in Africa, Asia and Latin America (US Committee for Refugees 2004). In the World Refugee Survey 2004, which was specifically dedicated to the issue of warehousing, Merrill Smith, the editor of the survey, describes warehousing as:

The practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency – their lives on indefinite hold – in violation of their basic rights under the 1951 UN Refugee Convention. Egregious cases are characterised by indefinite physical confinement in camps. Encamped or not, refugees are warehoused when they are deprived of the freedom necessary to pursue normal lives.

(Smith 2004, p. 38)

One year after the publication of the survey, Liz Fekete took the idea of warehousing to the European context in her critique of EU member states' efforts to step up deportations. Notably, she emphasised how objectification and dehumanisation underpin "the idea that refugees can be 'warehoused' [...] treated as commodities, they

can be parcelled up, packaged and sent out of Europe” (Fekete 2005, p. 67-68). While Fekete adopts the metaphor of warehousing to describe attempts to deport migrants, Elspeth Guild uses the term to specify the EU approach towards those entering the EU, as they need to be “warehoused pending certification” (Guild 2006, p. 638) in line with the internal market logic followed for goods. As Guild puts it, “in the internal market logic, asylum seekers should be certified on arrival like beans, or warehoused (like tins of beans) until this is administratively convenient” (Guild 2006, p. 636).

Drawing on these definitions, I would like to further develop and refine the idea of warehousing as a way of managing asylum seekers in the EU. Specifically, I would like to imagine warehousing as an art of government, as this gives me the possibility to consider it at the intersection between a governmental rationality – responding to the question ‘how to govern asylum seekers?’ – and a set of techniques of government – practices, devices, and procedures that are concretely deployed to govern asylum seekers. In this perspective, warehousing represents a specific attempt to govern asylum seekers, which nonetheless should not be interpreted as the exclusive attempt nor as an always successful one. Indeed, as it is discussed in Chapter 6, asylum seekers’ (unauthorised) movements constantly frustrate governmental attempts to warehouse them. My understanding of warehousing as an art of governing asylum seekers in the EU is based on three main elements.

The first one concerns what could be defined a process of depersonalisation, through which asylum seekers as individual human beings are moved to the background. Depersonalisation is often justified by those providing reception measures through the reference to the difficulty to support huge numbers of asylum seekers in an effective way, as if the attention to individual needs and features could not be maintained when the quantity of asylum seekers increases. In this respect, some *Migrationsverket*’s reception officers admitted the impossibility to attend to the demands and peculiarities of each asylum seeker, especially when the number of people that they have to follow increases. For them, an organisation like *Migrationsverket* cannot work by following and being responsible for every asylum seeker and it is rather the latter who have to adjust to the needs of the organisation rather than vice versa.

What needs to be stressed here is how the needs of the organisation involve imposing a standardised and essentially impersonal support which aims to the efficiency of the system rather than to the needs of its recipients. In other words, depersonalisation denotes a process through which reception is bureaucratised and asylum seekers are moved to the background for the sake of efficiency. The result is therefore a form of reception whose aim is the mere satisfaction of basic needs. Hence, in line with the Foucauldian approach discussed in the previous chapter, warehousing does not designate exclusively a violation of rights, as in Smith's definition above. On the contrary, the warehousing of asylum seekers can and does take place even when rights are formally guaranteed.

In a strict relation with depersonalisation, there is the second aspect that I would like to stress, which consists in the victimisation of asylum seekers upon which warehousing is based. Indeed, besides emphasising the impossibility to be responsible for each asylum seeker in reception facilities, the reception officer quoted above also justified the depersonalisation of reception by observing that: "we offer this opportunity, but it has to be under some special rules" (Interview with a *Migrationsverket*'s reception officer, January 2015). The reference to some rules to be followed is very controversial because it seems to set out conditions to be respected for the enjoyment of what is instead a set of rights related to the status of asylum seeker. Besides that, making reception contingent upon specific conditions reveals that reception measures are basically imposed to asylum seekers, who are left with the possibility to take it or leave it. Such an imposition is premised upon the belief that asylum seekers are victims who have lost everything and therefore must necessarily welcome and even be grateful for any help received. From such a perspective, asylum seekers cannot certainly complain about poor reception conditions or the isolation of their accommodation, as that would denote that they are not really in need. As a consequence, reception in the form of warehousing becomes acceptable because it is better than nothing at the end of the day.

The third feature is another adjustment to the definition proposed by Smith in 2004 and it is meant to move beyond an overly static idea of warehousing, in which it is primarily framed in terms of immobility. Indeed, I contend that the warehousing of asylum seekers does not take place only through their immobilisation and confinement

in reception centres, camps, or hotspots, even if this is certainly a key dimension. Warehousing is rather based on “a complex combination of enforced stillness and enforced mobility of asylum seekers” (Gill 2009a). Transfers between centres and stop-overs interact in the management of asylum seekers, revealing what Jonathan Darling defines a “politics of imposed (im)mobility” (Darling 2011, p. 267). As detention studies have pointed out, transfers are not less important than practices of immobilisation, as they perform a form of control over asylum seekers’ mobility as well as maintaining them in a transitory condition (Gill 2009b). Such a spatial politics is a core element of warehousing and it is accompanied by a corresponding temporal politics of waiting which informs asylum seekers’ experiences from the quay to the final reception centre. In this way, warehousing specifies a form of reception which governs asylum seekers through a combination of mobility and immobility as well as through the dispossession of their time.

4.3.2. Logistical Rationality

The gradual slippage of reception towards forms of warehousing is a direct effect of an emergency mode of government and the processes which it brings to bear, which were discussed in the previous sections. The urgency of an emergency situation puts into the foreground organisational and operational concerns, therefore transforming reception into a range of technical issues, such as: making the quay ready for disembarkation; arranging registration and identification procedures; finding and arranging reception facilities; organising transfers between quays and reception centres; preparing medical screenings and scabies treatments; delivering information kits; identifying interpreters; distributing food, blankets, clothes, and toiletries. In this process, the humanity of asylum seekers tends to get lost as they are treated like “numbers that need to be sorted [...] therefore, knowing their name and surname is not necessary” (Interview with an activist, October 2015). Often, asylum seekers are even identified by a code or a wristlet, and this shows how the process of depersonalisation described above can easily shift towards forms of dehumanisation. Furthermore, asylum seekers can be left to wait or transferred according to organisational needs as the following quotes from NGOs workers in Sicily highlight, as well as providing examples of the spatial and temporal politics mentioned above:

It can happen that the guys [sic] stay at the dock for 48 hours or even more, while the means of transportations – because it is also a matter of means of transportations, of busses – and places available in reception facilities are looked for.

[...]

In the sea arrivals [...] in which we participated, busses were already there, waiting for asylum seekers. Hence, after the identification, they were immediately transferred [...] They were transferred to other regions.

(Interview with an NGO worker, October 2015)

If it is a small disembarkation, asylum seekers might stay there [at the first-reception centre next to the dock] until the day after. But if the disembarkation is a big one, they are immediately transferred and then the risk is that someone is sent on a bus to Milan without having the possibility to meet a doctor until the following day or the one after.⁹¹

(Interview with an NGO worker, November 2015)

The director of a reception centre in Italy described the organisational efforts to receive and distribute asylum seekers from ports in the south of Italy to the rest of the country as “a machine based on movement” (Interview with the director of a reception centre, January 2016). Following the quotes above, however, the director’s statement should be better rectified in order to stress that such machine is rather based on a selective combination of movement and immobility. Nonetheless, the words of the director of the centre capture well a crucial transformation affecting reception in times of emergency: its becoming logistical. As scholarship on the government of emergencies emphasises, the response to an emergency becomes “a logistical matter of coordination and collaboration” (Anderson 2016, p. 14), in which “speed is valorised” and “the promise of ending events is invested in the optimisation of networks” (Anderson 2016, p. 23). The same happens with the reception of asylum seekers, especially in the first phase after the arrival, which therefore takes increasingly logistical features.

⁹¹ Just to clarify for those who are not familiar with the geography of Italy, the driving distance between, for instance, Catania and Milan is around 840 miles, which can take something like 15 hours by bus, provided that there is no traffic or stops. This is not just an Italian feature anyway. Also in Sweden, asylum seekers might undergo very long journeys, from the city in which they lodge their asylum claim to the reception centre to which they are allocated. For example, the driving distance between Malmö, at the southern border, and Östersund, in the middle of the country, is around 680 miles.

Given the increasing importance of logistical concerns in the provision of reception, it can be helpful to briefly turn to critical studies on logistics in order to see whether this developing body of literature can offer any insight for the study of the reception of asylum seekers.⁹² Logistics has gathered an increasing attention in recent years, going beyond the field of business and management studies in which it mainly developed after what Deborah Cowen defines the “revolution in logistics” (Cowen 2014). Starting in the 1960s, the revolution in logistics has radically transformed the ways in which “corporations imagine, calculate, plan, and build spaces of production and of distribution” (Cowen 2014, p. 6). With this transformation, distribution has been integrated into the process of business, thus marking a “shift from cost minimisation *after production* to value added *across circulatory systems*” (Cowen 2014, p. 24, italics in the original). Distribution has become a profitable activity in itself and logistics, from being a “military art of moving soldiers and supplies to the front” (Cowen 2014, p. 24), has become an “ubiquitous science of circulation” (Cowen 2014, p. 25), which has reorganised the global economy around the model of the supply chain. Logistics is now a “complex set of instruments, infrastructures, means of transportation and information, which constitute the material dimension of globalisation” (Grappi 2016, p. 20-21).

Studies on logistics provide an important angle from which to investigate migration and its management, as it is emphasised by a recent conference paper by Sandro Mezzadra (2016). Specifically, Mezzadra identifies two advantages of adopting what he calls a “*logistical gaze* on migration” (Mezzadra 2016). The first one is that it offers a new perspective on the relations between migration and the transformations of capitalism, a perspective which focuses on “migration’s entanglement within shifting formations of capital and labour” without, however, downplaying the role of migrants’ practices in shaping such formations (Mezzadra 2016). The second advantage concerns the emphasis on the logistics and infrastructures of migration and migration management, which in turn puts into the foreground the increasing entanglement between humanitarian, military, and economic concerns.

⁹² A ground-breaking book in the field is certainly *The Deadly Life of Logistics* by Deborah Cowen (2014), but the work of Sandro Mezzadra, Brett Neilson, and Ned Rossiter also needs to be mentioned here (Mezzadra & Neilson 2013b; 2015; 2017; Neilson & Rossiter 2014).

Three areas of research are identified by Mezzadra as particularly appropriate for testing the logistical gaze that he proposes. One concerns the social and commercial infrastructures that are organised by migrants themselves in the process of migration. Notably, he stresses the role of social networks in making possible migrants' journeys through the so-called Balkan route in 2015. A second area of research concerns the "logistification of border regimes" (Mezzadra 2016), which manifests itself in the attempts to reorganise mobility and its control through devices like hotspots, corridors, and hubs. Finally, a third field of investigation relates to the transformations affecting migrant labour and the conflicts which it produces in the context of the transformations of capitalism produced by logistics.

Within the second area of research identified by Mezzadra, the logistification of border regimes, it is certainly possible to include the analysis of the logistification of that specific segment of the EU border regime that is the reception regime. To be sure, reception represents a fertile object of study for experimenting the logistical gaze proposed by the author. Interestingly, the intimate connection between reception and logistics is demonstrated by the very etymology of the term "logistics", which is attributed to the French *logistique* by the Oxford English Dictionary. *Logistique*, in turn, derives from the word *loger*, which can be translated into English with "to quarter", and therefore "to put (especially soldiers) into quarters, to station, place, or lodge in a particular place". Hence, at the very heart of the meaning of logistics, it is possible to trace a connection with reception insofar as a key feature of the latter is precisely to *lodge* asylum seekers.

But what are the benefits of adopting a logistical gaze towards the reception of asylum seekers? There are at least two advantages that can be fruitfully drawn out. First, logistics offers an interesting vantage point from which to examine some significant transformations affecting reception, in particular those described above with the idea of warehousing. From the perspective of logistics, reception increasingly appears as an integrated system that is conceived and organised as a chain partially resembling the supply chain at the core of the logistic process. In my case study, asylum seekers enter the chain once they land on a Sicilian port and then they are moved all the way through the chain until the final reception centre. In the process, they may pass through one or two transit centres, which have interestingly been called "hubs" in the last

couple of years, thus signalling a discursive shift that is symptomatic of the process of logistification at stake. Needless to say, the becoming logistical of reception has terrible dehumanising effects on asylum seekers. Just like commodities in the logistic process, they are dealt with as *objects*, *animals*, and *parcels*, as many people that I interviewed during fieldwork denounced.

Far from being only a feature of the Italian management of reception, or more broadly a concern of those states that have to cope with significant arrivals by sea, a logistical approach to reception also emerges very explicitly in a study published in 2014 by the European Migration Network (EMN).⁹³ The study identifies the “management of reception as a chain” (EMN 2014, p. 2) as a good practice that can improve the flexibility of reception systems and ensure “a *balanced flow* of applicants through reception” (EMN 2014, p. 5, my italics). From the perspective of “chain management”, the study continues:

[T]he *reception process* is treated as a continuum. (Member) states undertake measures at different stages of the process by limiting inflow, increasing capacity, making the asylum procedure more efficient, facilitating outflow, and/or operating an effective return or settlement policy

(EMN 2014, p. 3, my italics)

In an alarming resemblance with the language of logistics, reception is presented as a *process* which is organised through stages, each one performing different functions but all integrated in the whole process. In order to improve such process, the EMN stresses the need to develop “common indicators and standardised methods to measure and calculate capacity and pressure, to record in/outflow of applicants from reception facilities and to facilitate comparison of reception costs” (EMN 2014, p. 3). Therefore, calculation, coordination, information – and I would also add transportation – acquire a central role in the reception of asylum seekers, which is in turn assessed in terms of preparedness, flexibility, and efficiency (EMN 2014, p. 3.). However, although a key effect of such chain management is to create the conditions for an increased control over asylum seekers, the logistification of reception does not have to be intended as a

⁹³ The EMN is a research network coordinated by the European Commission and formed by National Contact Points in each member state plus Norway.

smooth and frictionless endeavour. Like the supply chain, the chain of reception is indeed traversed by conflicts both at the level of asylum seekers, as it is discussed in Chapter 6, and at the level of the workers of the chain, as the birth of self-organised movements of social workers in Italy demonstrates.⁹⁴

The second benefit offered by a logistical gaze on reception concerns its emphasis on the quite unexplored relation between reception and capitalism, which I began to sketch out in the previous section on the reception industry. This is certainly an interesting path for future research and studies of logistics can surely be a source of inspiration in this regard. In this respect, the tendency to conceive reception as a chain, or a process, does not translate only in the dehumanisation of asylum seekers discussed above. Indeed, if the logistical supply chain aims to extract value from the very circulation of objects which pass through it, a similar mechanism can be identified at the heart of the reception chain, as the section on the reception industry suggests. At every stage of the chain, several actors profit from the passage – *and stay* – of asylum seekers: those running reception facilities; those transporting them; those supplying essential goods; those providing support services; and those carrying out control activities. It can therefore be argued that just like logistics moves objects in pursuance of profits, a logistified reception similarly moves asylum seekers in order to capitalise on such movement.

However, two fundamental differences between the supply chain and the reception chain need to be underscored. The first one is that in the reception chain profit is not only produced through movement, but also – and especially – through immobility. The longer an asylum seeker stays in a reception centre, the longer this translates into funding, jobs, sales and commissions, thus representing a business for some. The second difference is intimately connected to the previous one and concerns costs. Indeed, while the goal of supply chains is the maximisation of profits *as well as* cost reduction, the same does not apply for reception chains, or at least not always. Here, cost reduction does not seem to be always an imperative, as it is demonstrated by the

⁹⁴ The first grassroots group was created in Rome in late 2014 and it is called ALA (*Assemblea dei Lavoratori dell'Accoglienza di Roma* – Reception workers' Assembly of Rome's reception workers). Similar groups are also developing in Bologna (ALAB – *Assemblea delle Lavoratrici e lavoratori dell'Accoglienza di Bologna*) and Turin (*Comitato solidarietà migranti e rifugiati ex MOI e Salette*).

huge costs of emergency reception measures both in Italy and Sweden, which were stressed in section 4.3. The reason for this is to be found in the specific configuration of reception chains, in which public and private get mixed up and public funding represents a significant contribution to several activities related to the chain. An interesting thing to be emphasised here is that such hybrid configuration leads to a situation in which higher costs for the whole reception chain (e.g. higher public investment for emergency reception measures) constitute higher profits for some of the actors of the chain (e.g. private contractors running emergency facilities).

Despite these differences, however, the perspective of logistics proves useful for examining transformations that are currently affecting the reception of asylum seekers in the EU and gradually turning it into forms of warehousing. These transformations, which involve an increasing commodification of reception as well as the primacy of organisational and operational concerns in the management of asylum seekers, reveal a process of gradual logistification of reception. Reception is increasingly becoming a logistical issue of moving around and distributing asylum seekers, hence my attempt to adopt some insights coming from the field of logistics for reflecting on the transformations affecting reception. This chapter suggests that logistics represents a key rationality in the current EU reception regime, which manifests itself with particular strength in the case of emergency and temporary reception measures that I could identify during fieldwork. Drawing from the Foucauldian toolbox that was previously discussed, logistics can thus be understood as a way to think about reception, which promotes forms of intervention that dehumanise and victimise asylum seekers while also capitalising on their management. It is precisely through the operation of such a logistical rationality that the EU reception regime takes the shape of a reception industry.

CONCLUSION

The reception industry that is fostered by the rationality of logistics is one of the three distinctive qualities of the EU reception regime that are discussed in this thesis. Drawing from fieldwork material from different locations in Italy and Sweden, this chapter has identified a technique of government which plays a significant role in the current configuration of the regime: emergency reception. The first section showed

how the adoption of temporary and emergency reception measures is based upon a crisis narrative which calls for exceptional responses by framing certain situations as exceptional. Besides sustaining an image of normality which describes reception as a limited resource, such a crisis narrative requires an immediate and prompt response and therefore paves the way to practices dictated by urgency. I argued that these responses tend to lead to an implicit acceptance of lower standards of reception for the sake of urgency, as well as reproducing the situation of crisis by adding quick fixes which do not address structural causes.

The second section proposed an analysis of emergency reception that moves beyond the framework of exceptionality and rather highlights the productive dimensions of an emergency mode of governing asylum seekers. In this perspective, emergency reception is interpreted not merely as an expression of the strengthening of state's sovereignty, but as a laboratory in which new techniques of governing asylum seekers through reception are experimented. The section focused in particular on the processes of privatisation and commodification of reception which are fostered by an emergency approach. By supporting the gradual advancement of a market logic, these processes progressively transform reception into a profitable business as well as strengthening the position of profit-making actors which are not necessarily interested in asylum seekers' wellbeing.

The effect of the indefinite extension of a situation of crisis in the field of reception, combined with its gradual privatisation and commodification, is to transform reception into a form of warehousing which promotes processes of depersonalisation and victimisation, as well as being based on a politics of imposed (im)mobility. In this respect, the third section stressed how the shift towards reception as warehousing reveals the growing importance of a rationality of logistics in the government of asylum seekers. Indeed, especially in emergency situations, reception is increasingly framed in logistical terms, as it becomes a technical matter of moving and accommodating asylum seekers as quickly as possible. Such a logistification of reception not only has dehumanising effects on asylum seekers, but also exposes the attempt to make profit out of the management and transfer of asylum seekers. Moreover, just like logistics has reorganised global space according to the image of a smooth space of circulation, which is nonetheless contested, the logistical rationality

that informs the reception industry similarly presupposes a specific spatial configuration of the EU reception regime. Such a configuration is also contested and concerns the smooth and even space of the common area of protection which is investigated in the next chapter.

CHAPTER 5

THE RECEPTION ROULETTE: GOVERNING THROUGH DIFFERENTIATION

The last chapter examined a technique of government that is playing an increasingly important part in the current EU reception regime, which I defined as emergency reception. Such a definition includes those temporary forms of reception created to accommodate asylum seekers who cannot be hosted in what governmental authorities consider ordinary facilities. The widespread diffusion of emergency reception measures points out the gradual logistification of reception, by which expression I mean the increasing role of organisational, operational and economic concerns in the management of asylum seekers. Through such process of logistification, reception is turning into a form of warehousing. Reception as warehousing dehumanises asylum seekers, victimises them and manages them through a combination of enforced mobility and immobility. At the same time, reception as warehousing is gradually commodified and transformed into a profitable business. For these reasons, the previous chapter described the EU reception regime as a reception industry informed by a logistical rationality.

This chapter shifts attention to a second mode of governing asylum seekers that is central in the current configuration of the EU regime reception, that is differentiation. Processes of differentiation operate besides the logistical rationality examined in the previous chapter by arbitrarily multiplying asylum seekers' conditions, experiences, and trajectories within the regime. If logistical rationality transforms the regime into a reception industry, mechanisms of differentiation convert the regime into a reception roulette that arbitrarily channels asylum seekers to different trajectories. As the following pages demonstrate, differentiation exposes the substantial heterogeneity of reception conditions that characterises the regime, within as well as across countries. Far from being a smooth and even space in which asylum seekers are granted equivalent reception conditions regardless of the location, the space of the EU reception regime appears as extremely fragmented and uneven. In fact, despite the narrative of the harmonised space of the CEAS, contexts of reception reveal themselves crucial in asylum seekers' experiences of the regime as each context offers different possibilities.

The chapter thus engages with what can be defined as the spatial politics of the EU reception regime. Just like logistics projects a smooth space of circulation and distribution of goods, thus restructuring the global space for the needs of capital, I suggest that logistical reception presupposes a smooth spatial configuration of the EU reception regime. In the field of reception, logistics' smooth space of circulation becomes the smooth space of the common area of protection upon which the CEAS is based, as I briefly mentioned in the Introduction. Such a spatial dimension of the regime is explored in the first section (5.1.), which shows how the space of the EU reception regime is defined in homogeneous and even terms, thereby obliterating local specificities. Mobilising once again Foucault's toolbox, the spatial politics of the regime is presented as an example of politics of truth, through which the exercise of power is linked to the production of a governing reality that has very material effects despite its lack of correspondence with the empirical situation on the ground.

The second section turns to fieldwork material in order to call into question a decontextualised and even representation of the CEAS (section 5.2.). The sheer heterogeneity of practices and experiences of reception existing in the regime is explored in relation to three analytical dimensions, which are the spatial, institutional, and temporal dimensions. I will argue that what emerges from the coupling of the Dublin system's effort to manage mobility and the abovementioned forms of heterogeneity, or *excess*, of reception is an attempt to govern asylum seekers through differentiation. Notably, spatial, institutional, and temporal dimensions of heterogeneity are analysed as three different, yet related, mechanisms of differentiation through which asylum seekers are governed by regime. Finally, the third section investigates another feature of the regime that is necessary to transform the heterogeneity of reception into a machine of differentiation, that is arbitrariness (section 5.3.). Indeed, it is precisely because of the arbitrary imposition of paths and destinations within the EU reception regime that the unevenness that characterises it translates into processes of differentiation and makes the regime operate as a reception roulette.

5.1. THE SUPPOSED SMOOTH SPACE OF THE COMMON AREA OF PROTECTION

Besides exposing the increasing relevance of operational and economic concerns in the government of asylum seekers, the rationality of logistics presupposes a specific spatial configuration of the EU reception regime, upon which it is worth dwelling a bit. Such a spatial configuration, which as I mentioned above consists in the smooth and even space of the common area of protection, reveals that a substantial continuity characterises the rationale of the regime, despite the introduction of measures that are presented as a reform. Indeed, this section shows how an underlying thread connects the Dublin system, with its associated attempt to harmonise reception conditions in order to discourage movements; the temporary relocation schemes introduced in the wake of the European Agenda on Migration; and the “corrective allocation mechanism” introduced in the proposal for the reform of the Dublin Regulation. Despite the differences, all these measures impose the place of reception on asylum seekers and thus obliterate the specificity of local contexts of reception on the basis of a presumed smoothness, evenness and homogeneity characterising the space of the regime.

Hence, this section explores the spatial politics of the EU reception regime. In particular, the first sub-section underlines the continuity which characterises the spatial underpinnings of the regime despite the introduction of supposedly reforming measures (sub-section 5.1.1.). The second sub-section analyses the spatial configuration of the regime by drawing from Foucault’s work on truth and veridiction, in order to emphasise the material effects produced by the image of the smooth and even space of protection despite its non-correspondence with the empirical situation on the ground (sub-section 5.1.2.). In this way, the presumed smoothness of common area of protection is not dismissed as an imaginary scheme or a simple ideological rhetoric, but it is rather addressed as a governmental program which *does* something.

5.1.1. The Spatial Politics of the EU Reception Regime

An analysis of harmonisation through the lenses of governmentality is provided by Andrew Barry (1993; 1994; 2001 Ch. 3), whose definition of harmonisation can be

fruitfully discussed in relation to the CEAS. Barry defines harmonisation as “both a project directed at reconstructing the European space in a particular form, and a means for establishing this space as a possible object of government” (Barry 1993, p. 319). This definition presents two interconnected dimensions that are worth of consideration. Let me start with the latter, which concerns the ability of the policy of harmonisation to constitute objects of government.

In this respect, harmonisation is a key technique in the “governmentalisation of Europe” (Walters & Haahr 2005, p. 10), whereby this expression describes the process through which Europe is constituted as an object of government requiring a EU response. Indeed, a distinctive feature of the EU consists precisely in the attempt to constitute “Europe as a space where Europe-wide issues can be acted upon by agencies of the EU” (Delanty & Rumford 2005, p. 122). A similar attempt has also marked the creation of the CEAS, whose necessity has been made possible by the definition of the management of asylum seekers as a “European problem”, stemming from the creation of an area of free movement and requiring a common and coordinated response (Walters & Haahr 2005, Ch. 5).⁹⁵

The growing importance of EASO since its creation in 2010 provides a good example of such a process of governmentalisation of Europe. Initially established to strengthen practical cooperation and to provide operational support to states which are “subject to particular pressure”, EASO’s activities have gradually expanded in number and scope as it is emphasised by Evangelia Tsourdi (2016b; 2017). If in 2011 the organisation could count on a budget of 8 million euro and employ 42 members of staff (EASO 2011); these figures increased to 149 staff members and an estimated total expenditure of 65,3 million euro in 2016 (EASO 2016). Furthermore, the establishment of hotspots in Greece and Italy, which I will discuss in the next chapter, further strengthened the role of EASO by paving the way to its more direct involvement on the ground. This is especially the case of Greece, where EASO experts

⁹⁵ Here, it is helpful to emphasise that the EU does not coincide with Europe and it is rather “the most recent political project to speak *in the name of Europe*” (Walters & Haahr 2005, p. 4, italics in the original). Besides that, the very idea of “Europe”, as a more or less homogeneous unit that can be clearly distinguished from the “non-European” rest, also needs to be called into question. There is no space for developing this critique here, but please refer to recent works on what Nicholas De Genova calls the “European Question” for a fuller discussion (De Genova 2016b; 2016c; Tazzioli & De Genova 2016).

support the Greek Asylum Service in the processing of asylum claims (Tsourdi 2017). The intensification of the strategic role of EASO is also reflected by the Commission's proposal to develop it into a European Union Agency for Asylum, with an enhanced mandate including monitoring tasks as well as responsibilities as concerns the fair distribution of asylum applications and the convergence in their assessment across the EU (European Commission 2016a, p. 21).

The second dimension emphasised by the definition proposed by Barry concerns the spatial politics at stake in the process of harmonisation. Through harmonisation, Europe is constructed not only as a space to be governed by the EU, but as a space having *a particular form* and for this reason harmonisation is also a "spatialising project" (Barry 2001, p. 67). Such a spatial dimension of harmonisation is particularly interesting in the case of the CEAS because it defines what is probably the fundamental assumption upon which the entire policy framework is based. Notably, the space of the harmonised CEAS is conceived as the smooth and even space of the "common area of protection and solidarity" (European Council 2010, p. 32), in which:

[I]ndividuals, regardless of the member state in which their application for asylum is lodged, are offered an equivalent level of treatment as regards reception conditions, and the same level as regards procedural arrangements and status determination

(European Council 2010, p. 32)

Therefore, the idea of smooth space to which I am referring here does not correspond to the one elaborated by Gilles Deleuze and Félix Guattari (2005, Ch. 14), who understand a smooth space as an open space in which movements and connections are crucial, as opposed to the "striated" and gridded space of states, for instance. By speaking of the smooth space of the common area of protection I rather intend to describe a space which is even, homogenous, uniform and in which, to put it bluntly, localities are effaced. Indeed, the harmonised space of the CEAS is presented by EU policymakers as a homogeneous space in which contexts of reception do not matter. Accordingly, given such presumed homogeneity, asylum seekers are obliged to accept the destination that is imposed on them through the principle of the first country of entry that is encapsulated in the Dublin system.

It is precisely such presumed homogeneity and the resulting imposition of the place of reception which constitute a key aspect of the EU reception regime, spanning different policy measures such as the Dublin system and relocation schemes. Indeed, the two relocation schemes that were adopted by the Council of the European Union in September 2015 situate themselves in absolute continuity with the spatial assumption of the smooth and even common area of protection, even if they were presented as an adjustment to the Dublin system. Relocation is one of the key measures adopted in the aftermath of the European Agenda on Migration to respond to the “refugee crisis” (European Commission 2015a). The “refugee crisis” exposed the failure of the Dublin system to ensure a fair distribution of asylum seekers among member states and this was even acknowledged by the Commission which in the Agenda observes how “in 2014, five member states dealt with 72% of all asylum applications EU-wide” (European Commission 2015a, p. 13).

To redress this situation, two temporary relocation schemes were introduced “to relieve the significant asylum pressure on Italy and on Greece”.⁹⁶ The first one concerned the relocation of 40,000 asylum seekers and was based on member states’ voluntary commitment to provide places for relocation.⁹⁷ The second one, which initially included Hungary which then decided not to take part in the scheme, concerned the relocation of 120,000 asylum seekers and was based on a distribution key.⁹⁸ This distribution key was calculated on the gross domestic product, the size of the population, the average number of asylum applications per million inhabitants over the period 2010-2014, and unemployment rate. Importantly, both schemes were not addressed to all asylum seekers, but only to those who were deemed “in clear need of protection” because belonging to nationalities with a minimum first instance recognition rate of 75% across the EU.

⁹⁶ The quote is from Article 21 of Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece.

⁹⁷ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece. The decision did not define binding quotas. On the contrary, it was based on the agreement reached at the JHA meeting on 20th July 2015, when member states agreed on the sharing of 32.256 people. Member states then committed to reach the amount of 40.000 places by the end of 2015.

⁹⁸ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

Hence, relocation is a distribution mechanism which provides for the transfer of *some* asylum seekers from the first country of entry to another member state during situations that are considered exceptional because of the increase in the number of arrivals. Relocation therefore represents a temporary derogation to the principle of the first country of entry underpinning the Dublin system, and it is intended to relieve pressure from countries at the external borders while also distributing asylum seekers within the EU in a more equitable way.

Yet, what I would like to stress is that such a derogation does not really call into question the main rationale upon which the Dublin system is based. Such a rationale is based on the assumption of the smoothness and unevenness of the common area of protection and the consequent attempt to govern asylum seekers through their allocation to different countries which are expected to offer equivalent reception conditions. While the allocation mechanism encapsulated by the Dublin system rests on the principle of the first country of entry, relocation introduces a distribution key that is expected to ensure a fairer sharing of responsibilities between member states. Ultimately, both distribution mechanisms are based on criteria which are quite indifferent to individual needs (see section 1.2.) and impose the country of destination on the basis of a presumed equivalence of reception conditions, which is encapsulated in the image of the smooth space of common area of protection. While the criteria for allocation change, the assumption that contexts of reception do not matter is maintained in both cases.

This is a key point to stress even if the relocation schemes adopted in September 2015 were temporary measures which ended in September 2017. Indeed, their relevance goes beyond such a time frame insofar as they have represented a model for the “corrective allocation mechanism” that the Commission has introduced in its proposal for the reform of the Dublin Regulation (European Commission 2016b). The corrective mechanism complements the principle of the first country of entry by identifying exceptional cases in which asylum seekers can be transferred to a second member state according to a distribution key based on the size of the population and the gross domestic product. In this respect, far from being a quick fix to a situation of presumed crisis, the two temporary schemes of September 2015 can convincingly be interpreted as a preliminary test for a broader restructuring of the regime, which is

nonetheless premised upon the same spatial underpinnings that have characterised the regime so far.

The “corrective allocation mechanism” thus points to a possible development of the CEAS, whose risks need to be considered carefully. Indeed, such an allocation mechanism epitomises in a clear way the rationality of logistics insofar as it is primarily concerned with the distribution of asylum seekers across the EU, regardless of their wills and preferred destinations. Should the proposal be adopted as it currently stands, the reformed Dublin system would preserve the presumption of the feasibility of an orderly management of asylum seekers to be achieved through their allocation to a member state without their will being considered. Accordingly, the reformed system would even strengthen the logistical objectification of asylum seekers by treating them as objects that can be moved from one place to another according to quotas. Clearly, the assumption of a smooth space of reception would also be maintained, thus continuing to distinguish the EU reception regime.

In other words, the new configuration of the regime would be similar to a dispersal system on EU scale and it would thus share the same drawbacks of national dispersal systems which have been stressed by several authors (Boswell 2003a; Darling 2011; Gill 2009a; Hynes 2009; Squire 2009, Ch. 6). For instance, these drawbacks concern the provision of accommodation and support on a no-choice basis, which is considered a tool for separating asylum seekers from families and communities, as well as hindering access to legal advice which might be lacking in some remote areas. Hence, by safeguarding the imposition of the destination on asylum seekers, the reformed Dublin system would be likely to reproduce the same drawbacks of dispersal measures on a larger EU scale.

5.1.2. The Politics of Truth of the Common Area of Protection

That Europe is far from being a smooth and even space in which contexts do not matter is plain for all to see, in particular after the financial and debt crisis that hit the Eurozone in 2009. Differences concerning wealth, salaries, and employment rates are evident across as well as within member states and reveal the uneven development that characterises the European space (Agnew 2001; Hadjimichalis 2011). Unevenness has

also been stressed in relation to the differences concerning social protection measures between member states, which some authors consider a reason for the stratification of social rights even for EU citizens who move within the Schengen area (Bruzelius, Reinprecht & Seeleib-Kaiser 2017). With respect to the reception of asylum seekers, the different ways in which RCD 2013 is implemented in the member states are well recorded by the Asylum Information Database.⁹⁹ Moreover, qualitative studies of reception practices like those reviewed in Chapter 1 expose the heterogeneity characterising the provision of reception in diverse contexts within the EU. Unevenness and heterogeneity therefore seem to be the rule rather than the exception in Europe and consequently in the space of the CEAS, as I will explore in greater detail in the next section.

However, despite such an evident groundlessness in empirical terms, it is important not to dismiss the image of the smooth space of the common area of protection as mere ideological rhetoric concealing a material reality that needs to be revealed by the analysis. On the contrary, the CEAS and its smooth space are better understood as a “political project that endeavours to create a social reality that it suggests already exists” (Lemke 2001, p. 203). In this respect, the CEAS shows very well how government is based on a double movement of representation and intervention (Lemke 2001, p. 191), which combines the processing of phenomena to be governed with a simultaneous identification of specific ways for intervention. The case of the CEAS thus reveals how the definition of the management of asylum seekers as an issue requiring a EU response has been accompanied by the production of a specific governing reality, which is portrayed in the harmonised and smooth terms of the common area of protection.

In line with the perspective of governmentality informing this analysis, it is useful to examine the governmental reason underpinning the CEAS, that is the reflection accompanying the attempt to govern asylum seekers through the instruments of the CEAS. In particular, this governmental reason can be fruitfully compared to the *raison*

⁹⁹ Asylum Information Database is a database provided by the European Council on Refugees and Exiles (ECRE), which offers information on asylum procedures, reception conditions, and detention in 20 countries (17 EU member states plus Switzerland, Serbia and Turkey). For more information, see <http://www.asylumineurope.org>

d'état analysed by Foucault in his history of governmentality. As I stressed in Chapter 2, Foucault identifies *raison d'état* as the first art of government specific to the state, by means of which the state became both the foundation and the objective of government. A similar governmental reason can be seen operating in the smooth space of the CEAS as well. Indeed, just like the state for *raison d'état*, the supposed common area of protection is at the same time a given to which specific measures refer (e.g. the Dublin system and relocation) and an objective to be constructed. In other words, the homogeneous space of the common area of protection appears “at once that which exists, but which does not yet exist enough” (Foucault 2008, p. 4). It is therefore something that is always in progress, as I highlighted in section 1.2. by stressing the problems related to the teleological and normative dimensions of such a way of thinking.

However, if it is quite straightforward that the smooth space of the CEAS does not correspond to reality, this does not mean that it is only a smokescreen or an illusion. It should rather be interpreted as a governmental program,¹⁰⁰ like Jeremy Bentham's *Panopticon* which is analysed by Foucault in *Discipline and Punish* (1991a).¹⁰¹ To those observing that the model of *Panopticon* does not represent the reality of prisons in the 19th century, Foucault replies by making very clear his understanding of the relation between governmental programs and reality:

If I had wanted to describe “real life” in the prisons, I indeed wouldn't have gone to Bentham. But the fact that this real life isn't the same thing as the theoreticians' schemes doesn't entail that these schemes are therefore utopian, imaginary, and so on. One could only think this if one had a very impoverished notion of the real.

(Foucault 2002d, p. 232)

¹⁰⁰ Foucault describes programs as “sets of calculated, reasoned prescriptions in terms of which institutions are meant to be recognized, spaces arranged, behaviours regulated. If they have an ideality, it is that of a programming left in abeyance, not that of a general but hidden meaning” (Foucault 2002d, p. 231).

¹⁰¹ The *Panopticon* is a type of prison conceived by Jeremy Bentham in the late eighteenth century. It consists of a circular building with an inspection room in the centre from which all inmates could potentially be watched, while at the same time being unable to understand whether prison officers are actually observing them (Bentham 1962). In this way, the *Panopticon* aims to incorporating surveillance in the inmate and ensure the automatic and permanent functioning of power.

Like the *Panopticon*, the smooth space of the common area of protection is not an imaginary scheme insofar as it relates to a whole set of practices which “induce a whole series of effects in the real” (Foucault 2002d, p. 232). As Foucault clarifies, the existence of such effects does not mean that governmental programs “take the place of the real” (Foucault 2002d, p. 232). Yet, “they crystallise into institutions, they inform individual behaviour, they act as grids for the perception and evaluation of things” (Foucault 2002d, p. 232). Accordingly, even if the smooth space of protection does not correspond to the situation on the ground, measures like the Dublin Regulation and relocation assume the reality of the smooth space, which therefore has very material effects. Similarly, the smooth space of the common area of protection will continue to have material effects in case the Dublin system is reformed through the addition of a “corrective allocation mechanism” to the principle of the first country of entry.

The governmental reason of the CEAS thus exposes the intimate connection between manifestation of truth and exercise of power. In this respect, the CEAS and its spatial implication of smoothness and evenness represent an example of “government by the truth” (Foucault 2014, p. 11), which exhibits the impossibility to govern “without carrying out operations in the domain of truth” (Foucault 2014, p. 17). In the EU reception regime, asylum seekers are governed through the production of truth, whereby this expression does not denote the “production of true utterances but the establishment of domains in which the practice of true and false can be made at once ordered and pertinent” (Foucault 2002d, p. 230). It is therefore an issue of veridiction, which defines the possibility to assert something as truth.

Along these lines, it is therefore possible to analyse the smooth space of the common area of protection in terms of a politics of truth. The purpose of such an analysis is not to show that the attempt to govern asylum seekers through the instruments of the CEAS fails because the image of the smooth space underpinning the EU reception regime is false. Neither the analysis intends to demonstrate that the regime is meant to fail on the basis of a diabolical plan aimed at mistreating and exploiting asylum seekers. The objective is rather to highlight the mechanisms through which a governmental practice is linked to a regime of truth which defines the common area of protection as a smooth and even space. In this perspective, the common area of

protection is neither true nor false in itself, but it is rather a very tangible effect of the coupling of a set of practices and a regime of truth, which make “something that does not exist able to become something” (Foucault 2008, p. 19).

Hence, the projection of the smooth space of the common area of protection is a key feature of the EU reception regime and has extremely visible effects in the real which turn out to be diametrically opposed to the stated goals of the CEAS. Indeed, while the main objectives of the CEAS concern the control of asylum seekers’ movements and the provision of equivalent reception conditions, an empirical analysis of the regime reveals a proliferation of movements and an extreme heterogeneity of reception conditions. Both effects expose the failure of the CEAS, which is explored in Chapter 6. In the remainder of this chapter, the focus is instead on the heterogeneity of reception conditions, which reveals a mode of governing asylum seekers based on the differentiation of conditions, experiences, and trajectories.

5.2. THE HETEROGENEOUS EXCESS OF CONTEXTS OF RECEPTION

The qualitative research that I carried out in local contexts of reception in Italy and Sweden shows that a great degree of fragmentation and heterogeneity characterise the EU reception regime, thus destabilising the projection of homogeneity put forward by the CEAS. If one understands reception as a social practice which is necessarily contextual and relational, as I argued in Chapter 1, the picture of the regime that emerges is one made by a multiplicity of practices, institutional arrangements, local configurations, and forms of implementation. In other words, the understanding of reception as a social practice draws attention to its inherently excessive nature, which frustrates the governmental attempt to present it as an abstract procedure that can be replicated in all member states. As discussed in Chapter 1, I suggest that reception is excessive because its embodied and contextual character gives rise to heterogeneous practices, arrangements and experiences within and across EU member states. As a result, reception practices reveal themselves *not reproducible* and therefore make harmonisation an inherently flawed project.

For analytical purposes, the excess of reception can be broken down into two different, yet related, aspects, which are an excess of contexts of reception and an excess of relations of reception. In the first sense, excess refers to the surplus of forms of reception that are caused by the specificity of local settings, which impede the provision of equivalent reception conditions in what is nonetheless projected as a harmonised space. It is therefore an excess that stems from the contextual character of reception that I highlighted in section 1.2. by stressing in particular the need to acknowledge the influence that measures in domains such as welfare, healthcare, housing, and job placement, have on the provision of reception. In the second sense, excess concerns the relational dimension of reception, because of which people involved in the provision of support measures have the possibility to make a difference in the lives of asylum seekers. As reception is a practice that takes shape in the encounters between asylum seekers and those working with them, the motivations, skills, knowledge, values, and awareness of the latter inevitably affect the ways in which reception measures are provided.

In this thesis, and specifically in this section, I focus primarily on the first dimension of excess mentioned above, that is the excess of contexts. Even if the relational character of reception has been a key feature of my way of researching reception, my analysis of the excess is predominantly contextual because this allows me to draw out processes of differentiation which are crucial in the current EU reception regime. Notwithstanding the process of harmonisation started in Tampere, a contextual analysis of reception indicates that the common area of protection is far from being a smooth and even space for asylum seekers. A great heterogeneity results from the excess of reception. Such a heterogeneous excess undermines the very foundation upon which the CEAS is based: namely, the assumption that asylum seekers are offered an equivalent level of treatment regardless of the place in which they are assisted.

Moreover, the excess of reception also calls into question the national frame of analysis which is implicit in studies that focus on a specific “national reception system” or on the implementation of RCD 2013 in a national context. Indeed, despite the relevance of member states in terms of institutional setting and transposition of EU directives, a national frame of analysis is inadequate to analyse what appears as a EU-

wide regime of management of asylum seekers which operates by differentiating conditions and experiences both within and across national borders. For these reasons, it is misleading to refer to an “Italian reception system” or a “Swedish reception system”, as these are reifications that obliterate the extreme heterogeneity which informs reception at the level of practices, experiences, and local arrangements. To avoid such reifications, the following pages do not include specific sections on reception policies in the two countries but are rather organised around thematic issues, while details about each national context are provided when they are considered instrumental in the broader analysis.

This section therefore explores the heterogeneity of reception conditions and shows how such heterogeneity transforms the presumed common area of protection into a machine of differentiation, which multiplies asylum seekers’ experiences along spatial (sub-section 5.2.1.), institutional (sub-section 5.2.2.), and temporal lines (sub-section 5.2.3.). It is precisely along these three lines of investigation that I would like to draw out three dimensions by which I will analyse processes of differentiation in the EU government of asylum seekers.

5.2.1. Spatial Differentiation

The first dimension of differentiation that needs to be considered is the spatial one. Reception is experienced very differently according to the geographical location where it takes place. Besides the support provided within reception centres, it needs to be acknowledged that different locations are differentially equipped for assisting asylum seekers due to a whole set of reasons, which might include: the availability of training opportunities and language courses; the quality of healthcare services; the provision of specialised care for people with specific needs, such as victims of torture or traumatised people; and the availability of social support measures beyond those specifically aimed at asylum seekers. This was very clear to a governmental official whom I interviewed in an Italian *Prefettura*, who stated very openly:

Big cities offer much more opportunities in comparison with smaller places. Let us think for example at Italian language classes. In all the reception centres that we run, there are Italian modules organised by the organisation that manages the facility [...]

But, clearly, asylum seekers that are based in the city are also enrolled in other courses organised by different actors in the city, which are free. Hence, if they want to seize this opportunity they can, while those asylum seekers living in small villages across the province cannot [...] There, *the local context offers less options*.

(Interview with an official from *Prefettura*, August 2015, my italics)

Such a disparity between cities and more remote areas is even more pressing in a country like Sweden, which is very vast but has a low population density. Consequently, some locations in which asylum seekers are received are extremely isolated and this can affect negatively on the provision of reception measures. “If you are in the middle of Sweden”, a case-worker from *Arbetsförmedlingen* told me, “somewhere where you have to drive 50 km to get to the next house, that can be a really big problem” (Interview with a case-worker from *Arbetsförmedlingen*, January 2015). The case-worker continued by observing that the main problems in remote areas concern the lack of “opportunities for work or access to Swedish language courses”; both of which are not issues in the city in which he works. There, instead, the primary problem is due to the scarcity of housing which complicates asylum seekers’ trajectories after being granted protection, thus highlighting the long-term consequences of contexts of reception that are discussed below in relation to temporal differentiation.

All these aspects are crucial and draw attention to the contextual dimension of reception, which tends to be obliterated by the policy of harmonisation and its related narrative of a common area of protection. Far from being a neutral and abstract procedure, reception is deeply depending on the context in which it takes place, thus calling into question the very feasibility of harmonisation. Elements such as welfare provisions, healthcare services, housing policies, levels of wealth, and features of labour markets, affect asylum seekers’ experiences of reception, both during the time in which their claim is processed and after that, as I will show in the sub-section on temporal differentiation. All these domains are anything but harmonised in the current conjuncture, thus revealing an unevenness which is exemplary of the uneven geographical development which characterises the EU (Hadjimichalis 2011). Given the contextual character of reception, the “EU’s uneven geography” (Heller et al 2016, p. 14) inevitably affects the space of the common area of protection as well, making it

fundamentally uneven. For these reasons, it is possible to speak of EU's uneven geographies of reception. Unevenness, however, should also be traced within each single context as the next sub-section shows.

5.2.2. Institutional Differentiation

The spatial dimension alone is unable to account for the multiple possibilities of reception that exist even within the same location, as such a multiplicity can be the effect of a second dimension of differentiation, which I define as institutional differentiation. Indeed, reception can be experienced in highly diverse ways because of different institutional arrangements, relating for instance to the type of facility and the nature of those managing it. Facilities include private accommodations, collective centres, and temporary facilities created through the conversion of hotels, bed and breakfast, former schools, and former hospitals. As concerns the managers of facilities, they can be public bodies like *Migrationsverket*, non-profit organisations like the ones running several SPRAR projects, or even private actors which are involved in emergency reception both in Italy and Sweden. The sub-section discusses empirical examples from the two countries in order to highlight the differences that exist within the so-called “ordinary” reception measures as well as further processes of differentiation that are provoked by emergency facilities. The sub-section is organised in two parts. The first one explores differences within “ordinary” measures, focusing in particular on the distinction between collective centres and private apartments. The second one analyses how the picture is further complicated by emergency facilities as they multiply standards of reception.

Different Forms of Reception Within “Ordinary” Reception Measures

If one temporarily discounts emergency facilities, it is possible to identify two main forms of reception in the Swedish context: *Anläggningsboende* (ABO – facility accommodation) and *Eget boende* (EBO – private accommodation). ABO consists in accommodation directly managed by *Migrationsverket*, in which asylum seekers are distributed according to a dispersal scheme based on the availability of places at the national level. ABO includes rental apartments, transit centres, and collective reception facilities. By contrast, EBO involves private accommodation and relates to

asylum seekers' possibility to live with relatives or friends by providing an address to *Migrationsverket*. In the case of EBO, asylum seekers remain under *Migrationsverket's* responsibility and are required to be available for the agency, but they have nonetheless the possibility to choose where to live as long as they are able to find somewhere to stay.

The possibility to choose the place of living is certainly a crucial difference between ABO and EBO, which, at first sight, seems to present EBO as the best option for asylum seekers. However, the quality of living conditions in EBO should not be taken granted as some people that I interviewed pointed out. Indeed, while some asylum seekers might really share a decent apartment with someone they know, others might actually end up in an overcrowded accommodation or jump repeatedly between different houses. As a report on reception conditions in Gothenburg reveals: "EBO often means overcrowded living. Many find it impossible to turn down a request from a family member to come and share a flat, although there are consequences" (Norström & Norberg 2012, p. 18). As a result, the report suggests that many asylum seekers seem to avoid ABO facilities rather than choosing EBO, and that they would choose ABO in case living conditions there would be improved (Norström & Norberg 2012, p. 19).

The reasons that could lead asylum seekers to choose EBO regardless of the risks that they might encounter are basically two. The first one is that EBO often represents the only option to live in a city, given that *Migrationsverket* tends to run reception facilities outside main urban contexts. In Gothenburg, Malmö, and Stockholm, for example, there were very few ABO options at the time of my fieldwork and therefore asylum seekers who wanted to live there were obliged to find their own accommodation. In the previous sub-section, I emphasised how the geographical location can have an impact on the reception of asylum seekers through the availability or lack of opportunities. Hence, the allocation of ABO facilities outside urban centres is not simply a logistical matter because it also works as a mechanism which differentiates reception conditions and provides an unequal access to opportunities on the basis of one's ability to locate one's own accommodation. In addition, this also shows very clearly that spatial and institutional dimensions of processes of differentiation intersect rather than operating in isolation.

The second reason behind the choice of EBO consists in another drawback that affects several ABO, that is the dimension of reception facilities. Several reception officers admitted that they would prefer renting apartments instead of big centres, as apartments ensure greater independence and a “more humane way to live” for asylum seekers. However, this is not always the case and *Migrationsverket* also resorts to big facilities, which are significantly called “camps” by asylum seekers. In these facilities, besides being subject to a specific code of conduct, concerning for instance the possibility to have guests or to smoke in the premises, asylum seekers might also have to share a room with other people, thus enjoying a limited degree of privacy and autonomy. Furthermore, some collective centres also include food among the services provided and this might be very problematic as it was denounced by an activist:

A facility was recently opened north of the city but asylum seekers who live there are not allowed to use the kitchen, they have to eat in a canteen [...] To live like that for two years is not possible: you cannot cook your own food and you have to eat in a canteen, it's not really nice for people. Also, not getting to choose what to eat and at what time to eat.

(Interview with an activist, January 2015)

Besides highlighting the potential lack of independence experienced by those living in collective facilities and the consequent different experience of reception they might have in comparison with those staying in apartments, these words also underline how depersonalised, standardised support might turn out to be an imposition upon asylum seekers, as I discussed in section 4.3.

With respect to Italy, the situation is even more fragmented, leading to extremely diverse experiences of reception for asylum seekers. As I mentioned in the previous chapter, SPRAR is the main national reception programme even if it has historically proved unable to accommodate all those in need. SPRAR is made of local projects of assistance for asylum seekers, beneficiaries of international protection and beneficiaries of protection on humanitarian grounds, managed by third-sector actors in partnership with local authorities. These projects normally provide accommodation in apartments or small reception centres, as well as a whole lot of activities including

legal advice, financial support, career counselling, and psychological support. However, despite the common institutional framework, projects present significant differences between themselves depending on the organisation or cooperative which is in charge of the activities, as there might be differences in relation to experience, skills, working methods, and dedication. Due to these differences, asylum seekers might therefore be offered different types of support, which are also characterised by different degrees of quality, in a very random manner.

Furthermore, the long-standing shortage of places in SPRAR facilities has obliged many asylum seekers to spend the whole period of the asylum procedure in other facilities, which normally present lower qualitative standards. As concerns “ordinary” reception measures, these facilities are *Centri di accoglienza per richiedenti asilo*, the so-called CARA (Reception Centres for Asylum Seekers), which are first-reception centres run by organisations contracted by *Ministero dell’Interno* (Ministry of Interior).¹⁰² CARA often consists of huge, crumbling buildings situated at the outskirts of cities or near border points. Just to provide an example, the most famous CARA is surely the one in Mineo (CT), which is situated in a plain between Catania and Caltagirone (CT) in Eastern Sicily. With a capacity of around 4,000 places, the CARA in Mineo is one of the biggest reception centres in Europe and is basically a village made of around 400 houses, situated in a fenced area in the middle of nowhere. Initially built in the late 1990s to host US troops working in the near military base of Sigonella, the village was abandoned by US soldiers at the beginning of 2010 and then transformed into a huge CARA in March 2011 when the number of people escaping from Tunisia in the aftermath of the revolution was increasing.

Since its conversion into a CARA, problems and controversies have been the rule and the reception centre in Mineo has been involved in a long sequence of inquiries about corruption, cronyism, and the involvement of criminal organisations in the

¹⁰² After the adoption of legislative decree 2015/142, which transposed RCD 2013 and the recast version of the asylum procedure directive in the Italian legal framework, CARA are now defined “first-reception centres”. These centres host asylum seekers, who should have already been fingerprinted and offered an initial health screening, for the time that is necessary to start the asylum procedure. As soon as a place is available in the SPRAR network, which is now classified as “second-line reception centres”, asylum seekers should be moved to SPRAR facilities. Given the shortage of capacity in the SPRAR network, it is currently much likely that asylum seekers are transferred from CARA to emergency facilities, the so-called CAS, as it is stressed in the following pages.

management of the centre. Without going too much into detail of these criminal aspects, the thing that needs to be stressed here concerns the reception conditions of the centre which are quite poor as it is a huge and isolated facility, often overcrowded, and often lacking or providing inadequate healthcare and legal support (LasciateCIEntrare 2015). In this respect, the CARA in Mineo is exemplary of the problems that affect many CARA, even if some negative features are undoubtedly at their most extreme in the case of Mineo. Notably, the dire conditions that characterise many CARA have been denounced by several reports and press releases issued by the campaign LasciateCIEntrare¹⁰³ and the monitoring group Borderline Sicilia.¹⁰⁴ From these reports, it emerges quite clearly how reception conditions in CARA differ significantly from those provided within the SPRAR network, not only in relation to living conditions in the strict sense, but also in terms of legal advice, psychological support, and access to language and training courses, as these are not necessarily provided in CARA.

Further Differentiation Produced by Emergency Reception

SPRAR's shortage of places has also been redressed through the widespread creation of emergency facilities, which are known as *Centri di accoglienza straordinaria*, the so-called CAS (Extraordinary Reception Centres). As I have already observed in section 4.1., instead of enlarging the SPRAR network, *Ministero dell'Interno* has required local *Prefetture* to open several emergency facilities all over the country, thus creating an emergency reception system besides SPRAR network. The result of this process has been to further multiply reception conditions given that the support provided in emergency facilities varies a lot depending on who manages the facility. Indeed, it is possible to find CAS that are run by cooperatives which also administer SPRAR projects and try to level the type of support they offer by managing CAS as if they were SPRAR projects. In addition to this, there are CAS that are managed by private, profit-making actors, whose main objective is doing business. These actors

¹⁰³ LasciateCIEntrare is a campaign against administrative detention in Italy, which monitors conditions in detention and reception centres as well as advocating for the rights of migrants. For more information see: <http://www.lasciatecientrare.it/>.

¹⁰⁴ Borderline Sicilia Onlus is a non-profit organisation which monitors reception conditions, provides legal support to migrants, and raises awareness on the condition of migrants. For more information see: <http://migrantsicily.blogspot.co.uk/>

include cooperatives that have redirected part of their activities to the domain of reception because they saw a good market possibility, as well as actual hoteliers and owners of bed and breakfasts, who have dedicated (part of) their facilities to the reception of asylum seekers.

As it is easy to imagine, hotels and bed and breakfast that have been converted into reception facilities are very controversial for several reasons, one of which certainly concerns the suitability of those working with asylum seekers, as it was pointed out in an interview:

The ‘social workers’ are the employees of the bed and breakfast. Therefore, I mean, asylum seekers are certainly treated very well in terms of services like food and accommodation, but besides that there is nothing and this also emerges during asylum interviews.

(Interview with an official from *Prefettura*, August 2015)

As this example shows, emergency reception can easily translate into forms of support aimed at the satisfaction of basic needs, thus denoting a move towards reception as warehousing which was described in the previous chapter. Clearly, such a *basic* reception differs from the type of support offered by several projects within the SPRAR network, which are expected to provide what the governing body of the network calls “integrated reception”.¹⁰⁵ Such an expression indicates a type of support that goes beyond the mere provision of food and housing, so as to include measures promoting the socio-economic inclusion of those assisted.

Besides emphasising a possible weakness of CAS, the words of the governmental official above are very important because they also draw attention to the need to consider the impact that reception measures have on the overall asylum procedure. Indeed, reception conditions affect the asylum decision because asylum seekers are differently prepared for the interview depending on the support they are offered. As I have already stressed, legal advice is not granted in all CARA or CAS, but even within the SPRAR network it can be provided with different degrees of effectiveness. For example, not all the projects support asylum seekers by preparing depositions based

¹⁰⁵ More information at: <http://www.sprar.it/english>

on Country of Origin Information (COI) and by assisting them in the acquisition of medical certificates attesting possible signs of violence and torture suffered. For these reasons, it is important to keep well in mind that even the harmonisation of asylum procedures can easily be frustrated by the heterogeneity of reception conditions. As the governmental official that I met exclaimed: “Procedure and reception are not two parallel worlds!” (Interview with an official from *Prefettura*, August 2015).

However, the problem concerning the staff working at reception facilities does not only pertain to CAS created out of hotels and bed and breakfasts. Other types of facilities also present issues regarding personnel, especially when the organisation that runs the reception centre is more focused on the money than on ensuring decent reception standards. In these cases, there is the chance that employees are not only lacking the skills needed for the job, but they might also be understaffed as an NGO worker suggested:

The terms of contract require those running facilities to have a psychologist in the team. However, there might be only one psychologist in the cooperative, who is expected to cover 4 or 5 facilities. Consequently, it can happen that asylum seekers never have the chance to meet the psychologist [...] Nobody monitors. Hence, there is certainly a problem in terms of workforce – they are understaffed – a problem concerning skills, and a problem of motivations [...] In my opinion, there is much attention to arrivals and disembarkations, but more emphasis on CAS is needed.

(Interview with an NGO worker, November 2015)

Furthermore, problems concerning staff, like those highlighted by this interviewee, are not the only ones affecting many of these facilities. Indeed, as several reports, journalistic inquiries and websites have emphasised,¹⁰⁶ the situation in several CAS “is quite tragic” and exposes “a system which does not work at the level of the most basic living conditions” (Interview with an NGO worker, November 2015). The

¹⁰⁶ See again reports and press releases issued by *LasciateCIEntrare* (www.lasciatecientrare.it/), *Borderline Sicilia* (<http://migrantsicily.blogspot.co.uk/>), and several other websites providing information on migration-related issues, such as *Melting Pot* (<http://www.meltingpot.org/>), *Cronache di Ordinario Razzismo* (<http://www.cronachediordinariorazzismo.org/>), and *Redattore Sociale* (<http://www.redattoresociale.it/>). Moreover, the *Espresso* magazine, which is linked to one of the most well-known Italian newspapers, *La Repubblica*, also carried out several journalistic inquiries aimed at denouncing the living conditions in extraordinary centres. See for example: <http://espresso.repubblica.it/inchieste/2015/09/21/news/spineto-il-centro-di-accoglienza-della-vergogna-dopo-la-nostra-inchiesta-scatta-il-sequestro-1.230460#gallery-slider=undefined>

following excerpt from an interview gives an idea of the dire conditions characterising some of these facilities:

Some CAS are even decent facilities, I mean, they are not nice but they are reasonable. But I saw some CAS that are basically cellars. For example, there is a facility which is a nursing home and they have accommodated asylum seekers in the basement [...] Other facilities are very isolated in the countryside [...] There is a whole lot of services that CAS should provide but they don't: starting from the psychologist, for example [...] but also the registration to the national healthcare system. In a couple of CAS in which I went, the guests have been living there for 7 months and they have not been registered to the national healthcare system. This is only because those who work in the facility or even the manager don't consider it important [...] The situation can be so bad that those who have to assist asylum seekers don't know that there is the possibility to appeal a negative decision! You know what I mean? This sort of things!

(Interview with an NGO worker, November 2015)

This quote pinpoints pretty much all the weaknesses that can be identified in several CAS, which concern type of facility, living conditions, location, and staff.

The interviews that I carried out in Sweden revealed that many of these issues also affect emergency facilities there, even if some of the most extreme situations which exist in Italy seem to be absent from the Swedish context. This is due to more rigorous controls deployed by *Migrationsverket*, which impedes situations as extreme as those reported in the quote above. However, a greater level of monitoring of emergency facilities does not necessarily guarantee an alignment between qualitative standards provided in these facilities and those existing in “ordinary” measures. Indeed, as I discussed in section 4.2. in relation to the commodification of reception and the increasing power of private contractors, the need to open facilities in the shortest time possible sometimes placed *Migrationsverket* in a tricky situation due to an excessive reliance on private contractors.

This was particularly evident in relation to the personnel employed in temporary facilities, who, as an interviewee observed: “might be people who never worked in a field like this before” (Interview with a *Migrationsverket*'s reception officer, January

2015). While private contractors are required to make sure that the staff they employ has the skills needed for the job, a reception officer noted how there are companies that “do this very well” while “some companies don’t” (Interview with a *Migrationsverket*’s reception officer, January 2015). As a result, this inevitably “creates inconsistencies” that affect asylum seekers’ experiences of reception measures. These inconsistencies between facilities are precisely what is relevant for my purposes here, regardless of the differences that exist between Italy and Sweden in the management of emergency reception. Indeed, one of the key effects of an emergency mode of governing asylum seekers consists in the multiplication of forms and standards of reception. Importantly, such a further differentiation not only produce a second-class reception in both countries, but also makes processes of differentiation operate at the micro-level of each context, thus leading to situations in which asylum seekers come across extremely diverse experiences of reception even within the same city or area.

Yet, emergency reception alone is not the only source of institutional differentiation as this sub-section has shown by stressing the differences that also affect “ordinary” measures, both in Italy and in Sweden. Equally, the sub-section has underlined how institutional processes of differentiation intersect with the spatial ones discussed in the previous sub-section. Both institutional and spatial differentiation, in turn, have effects that extend through time, as I will now move on to show.

5.2.3. Temporal Differentiation

Differentiation can also be traced to a third dimension, the temporal one. By speaking of a temporal dimension of differentiation, my aim is to draw attention to the long-term effects of reception which I mentioned in section 1.2. by stressing the consequences over time of the Dublin system. By confining asylum seekers spatially and simultaneously denying the mutual recognition of positive asylum decisions, the Dublin system turns the first country of entry into a cage, the departure from which is also obstructed after the granting of protection. As I will show in the next chapter, the lack of a mutual recognition of positive decisions between member states, combined with the limitations to the intra-EU mobility of beneficiaries of international protection, transform the first country of entry into *the* place in which asylum seekers

are destined to stay *after* the asylum process as well. Hence, the different types of support programs that each member state dedicates to beneficiaries of international, as well as the diversity of social welfare measures which they are enabled to, function as a differentiating tool within the regime. The following analysis investigates these mechanisms of differentiation by focusing, first, on support programs dedicated to those who are granted protection in Italy and Sweden, and then on mainstream social benefits to which beneficiaries of international protection have access in both countries.

Support Programs for Beneficiaries of International Protection in Italy and Sweden

The cases of Italy and Sweden offer a privileged standpoint from which to explore the unevenness that characterises the supposed common area of protection after the concession of the refugee status or the one of subsidiary protection. Such an unevenness is a consequence of the lack of EU obligations concerning the support of beneficiaries of international protection. Indeed, if on the one hand the CEAS is supposed to lead to the harmonisation of reception conditions, on the other hand, it does not establish measures to support those who are granted protection, thus leaving this domain to be regulated by each member state. After all, the possibility of any harmonisation of “integration” policies is explicitly excluded by the Treaty of Lisbon, whose article 79.4 states that:

The European Parliament and the Council [...] may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.

This was also reiterated by the European Commission in the *European Agenda for the Integration of Third-Country Nationals* (European Commission 2011). In this document, it is stated that “it is not prerogative of the EU to determine integration strategies” (European Commission 2011, p. 3), as “integration” is understood as “a process that starts on the ground” and thus requires “a genuine ‘bottom-up’ approach, close to the local level” (European Commission 2011, p. 4).

As a result, every member state decides how to treat beneficiaries of international protection once they obtain their status and this works as a factor of further differentiation given that beneficiaries of international protection are not allowed to move freely and benefit from the supposed common area of protection. Hence, they experience very different levels of post-recognition support, depending on where they find themselves or, as one should better say, depending on the country of asylum that was imposed on them by the Dublin system. In Sweden, for example, *Arbetsförmedlingen* coordinates a two-year program whose goal is to promote the inclusion of beneficiaries of international protection through the provision of a set of activities aimed at the introduction in the labour market. The program is called *etableringsplan* (introduction plan) and is offered to all beneficiaries of international protection aged between 20 and 64, plus those aged 18 and 19 who are unaccompanied, with the exception of the retired, the disabled and students. The activities of the program include: language classes, civic orientation, and employment preparation activities, such as training courses, internships, work experiences at a workplace, and entry recruitment incentives. In addition, the support program also provides financial benefits, housing benefits, as well as supplementary benefits for those with children.

In Italy, by contrast, not all those who receive a positive decision on the asylum claim are entitled to dedicated support measures and, for those who are, the type of support provided is far from being as comprehensive as the one in Sweden. Indeed, only the limited number of asylum seekers who are in the SPRAR network during the asylum process have the chance to benefit from the activities provided by SPRAR for further 6 months, which can be extended in exceptional cases relating for example to health reasons or the completion of a training course. During this time, alongside housing and a financial allowance, beneficiaries of international protection should be offered language classes, professional training, psychological support, and job-search counselling. For all those hosted in CAS, instead, the situation is extremely unclear and two main options can be identified. The first concerns the few who manage to have access to a SPRAR project after the positive decision, while the second option relates to those who do not.

With respect to the first option, only a small percentage of asylum seekers are transferred from CAS to SPRAR after the asylum decision, thus having the possibility to benefit from SPRAR measures for 6 or more months. The problem here is that there are no clear criteria about who should be transferred to the SPRAR network as soon as new places become available and therefore, as one of my interviewees emphasised, the selection process is “left to chance” (Interview with a governmental official in a *Prefettura*, August 2015). Needless to say, such an ambiguous situation leaves room for discretionary practices which are driven by different interests. For example, an activist stressed how some cooperatives that were running both CAS and SPRAR facilities tried to move the asylum seekers that they deemed more deserving and docile from one facility to the other. Other interviewees, instead, identified a tendency to transfer the most vulnerable ones from CAS to SPRAR, based on the assumption that SPRAR projects are better equipped for taking care of single parents with children and people with serious mental problems or other kind of health problems. This points out a broader transformation affecting SPRAR network which would require further attention but exceeds the scope of this work.

As concerns the second option about those who are not allowed to benefit from SPRAR measures, the post-recognition treatment depends very much on the orientation adopted by the *Prefettura* which is responsible for the CAS. At the time of my fieldwork, very few *Prefetture* were following the same criteria adopted by SPRAR by giving asylum seekers the chance to benefit from support measures for 6 or more months after the positive decision. Because of the need to free spaces in reception facilities, most *Prefetture* required asylum seekers to leave accommodation centres shortly after the positive decision as in the case of the *Prefettura* that I visited:

As far as we are concerned, we have opted for a procedure which is quite brutal, but which is nonetheless necessary because with such a pace of arrivals it is impossible not to have a quick turnover in the facilities. The places in reception facilities cannot be multiplied like loaves and fishes, if you follow me! [...] We have decided that people must leave facilities 20 days after their permit of stay is issued. Unless they are vulnerable people, for whom an extension is granted, or they have to complete something, such as an internship or a training course, in which case they are given enough time to complete it.

(Interview with a governmental official in a *Prefettura*, August 2015)

Besides drawing attention to the centrality of logistical concerns in the decision taken by *Prefettura*, this quote gives once again an idea about the degree of discretion that is performed in this kind of situations. As with the access to the SPRAR network, there are no clear guidelines from *Ministero dell'Interno*, hence each *Prefettura* decides how to operate in general terms and when exceptions need to be granted. *Prefettura* can thus decide to violate its own guidelines if needed, as it happened in one of the cities that I visited. There, the removal of beneficiaries of international protection from emergency facilities shortly after the positive decision was suspended during winter because the night shelters that had been created by the municipality to accommodate homeless people in the coldest months of the year were full. This exposes quite clearly the degree of discretion at stake, whose effect is an uncontrollable multiplication of experiences and possibilities for asylum seekers.

Mainstream Welfare Measures Which Beneficiaries of International Protection Can Access in Italy and Sweden

The words of the government official above also highlight another thing that requires further attention. They reveal that most of those who are granted protection in Italy run the risk of being abandoned by institutions after the positive decision. This happens not only because of the lack of support programs specifically dedicated to beneficiaries of international protection, but also because of the scarcity of more general welfare measures to which beneficiaries of international protection are entitled (Venturini 2016, p. 87). For instance, the access to social housing is hindered by extremely long waiting lists which inevitably favour the most vulnerable ones, as well as assuming the number of children as a key parameter. Moreover, unemployment benefits are mainly provided in relation to insurance contributions previously paid, thus excluding those without a previous occupation in the country as it is the case of many beneficiaries of international protection. Indeed, in the well-known classification proposed by Gosta Esping-Andersen (1996), the Italian welfare regime is included among the “conservative” regimes, which are characterised by the preservation of status differentials and traditional family. In this kind of welfare regimes, the role of the family is crucial and welfare measures intervene only if “the family’s capacity to aid is exhausted” (Esping-Andersen 1996, p. 28), thus penalising newcomers.

Sweden, on the contrary, is included by Esping-Andersen (1996) within “social-democratic” types of welfare regimes, which are based on the principle of universalism and the promotion of “an equality of the highest standards, not an equality of minimal needs” (Esping-Andersen 1996, p. 27). Despite the transformations that have occurred in recent years, which denote an increasing decentralisation and involvement of third sector and private actors throughout the EU (Fortunato, Friesenhahn & Kantowicz 2008), such an analytical categorisation is still tenable. Indeed, in Sweden, beneficiaries of international protection who do not find a job or start higher education in the time frame of *etableringsplan* are entitled to a whole set of mainstream welfare provisions which place them in a better condition in comparison with those dismissed by reception measures in Italy.

For example, beneficiaries of international protection who are unemployed are entitled to *jobb- och utvecklingsgarantin* (job and development guarantee), which is a programme intended to support jobseekers through the provision of a financial benefit, job-search counselling, and measures to support work placement. In this programme, benefits and the type of support are limited in relation to *etableringsplan*, as the participants “get less money, they [case-workers] have more customers (sic), less time to meet people, and not as many programs as they have in *etablering*” (Interview with a team leader from *Arbetsförmedlingen*, January 2015). Yet, it is still a form of support that is provided to all the jobseekers, regardless of previous work experiences or insurance contributions paid, and that is not available to unemployed beneficiaries of international protection throughout the EU.

With respect to housing, the situation is quite complicated in Sweden as well, because of the shortage of affordable housing that is affecting the country. At the end of *etableringsplan*, municipalities are responsible for supporting those beneficiaries of international protection who cannot afford accommodation, but the lack of rental apartments available, especially in the big cities, makes the work of municipalities very challenging. As a result, those in need are either obliged to move to smaller towns in more remote areas, in which the housing problem is less intense (UNHCR 2013, p. 39), or they have to live in shared accommodations in a city. This second option, however, hardly allows them to have a contract, which is required to receive housing

benefits. Moreover, several interviewees reported that shared accommodations sometimes turn out to be characterised by overcrowding, forced moves between one place and the other, and dishonest behaviour by those subletting rooms, who in some cases try to take advantage of beneficiaries of international protection who need to live in a city.

Hence, despite the more generous support programs and welfare measures, the situation is certainly not free from problems in Sweden as well. The shortage of affordable housing is surely an important issue that predominantly affects beneficiaries of international protection. Furthermore, the effectiveness of *etableringsplan* has been called into question in some recent reports by *Riksrevisionen* (Swedish National Audit Office) (Bevelander & Emilsson 2016, p. 129). Once again, however, the point of this analysis is not to compare Italy and Sweden in order to identify good or bad practices. The objective is rather to stress how the combination of different EU and national policies ends up fostering processes of differentiation that impact on asylum seekers in the long run, despite the image of a smooth and even common area of protection.

Indeed, asylum seekers are not only forcedly allocated to the first country of entry according to the Dublin system, but they are also prevented from settling in a country of their choice after being granted protection. In order to do that, they need to apply for a working visa or, as I will emphasise in the next chapter, they have to exercise their right to travel to another member state in which they can then settle and work irregularly. Importantly, the same would be true should the “corrective allocation mechanism” discussed in the first section be approved, as it would leave asylum seekers without the possibility to choose the place of reception and the place in which “benefitting” from the protection. At the same time, each member state has different policies regarding support programs for beneficiaries of international protection as well as social welfare provisions, thus leading to extremely variegated experiences for asylum seekers after the attainment of protection.

As a result, the effects of reception extend well beyond processing times because the first country of entry turns out to be the place in which asylum seekers are meant to stay after being granted protection. For these reasons, I contend that differentiation has a temporal dimension which relates to the long-term implications of heterogeneous

contexts of reception. In the next section, I will argue that the heterogeneity of contexts of reception is crucially accompanied by a significant degree of arbitrariness, which triggers processes of differentiation and transforms the EU reception regime into a reception roulette.

5.3. THE RECEPTION ROULETTE

In the previous section, the analysis of the heterogeneity characterising the supposed common area of protection drew attention to the relevance of contexts of reception. Despite the narrative of the harmonised space of the CEAS, contexts of reception do matter, as some contexts offer more opportunities than others for a whole set of different reasons, such as geographical location, welfare provisions, and prospects for the future. Such a heterogeneity of contexts is combined with the legal impossibility for asylum seekers to choose the place of reception both at the EU level, because of the Dublin system, and at the national level, because of dispersal schemes. The heterogeneity of reception conditions, the imposition of the country of asylum through the Dublin system, and the obstacles to movement within the EU – both before and after the asylum decision – converge in imposing different conditions and experiences to asylum seekers. Such a combination of measures brings into being a mode of governing asylum seekers through differentiation. In other words, it is precisely because asylum seekers are not allowed to choose the place of reception, normally both within and across states, that the heterogeneity of contexts gives rise to a government based on differentiation.

In this section, my aim is to show that the context of reception is normally imposed in an arbitrary way on asylum seekers and, consequently, to highlight the relevance of arbitrariness in the EU reception regime. By speaking of arbitrariness, I would like to stress the role played by chance in the management of asylum seekers. Indeed, given the high degree of discretion and improvisation characterising the regime, sometimes it is really the chance of finding oneself in the right place at the right time, or the opposite, that delineates one's experience of the regime. Meeting an officer rather than another or coming across a procedure rather than another can have a crucial impact on asylum seekers' experiences. However, my emphasis on arbitrariness is not meant to propose a depoliticised account of the operation of the regime, which would obliterate

the relevance of political decisions or deny that discretion and ambiguity are themselves the result of specific choices. Rather, I wish to stress that arbitrariness appears as a mechanism through which asylum seekers are governed, to the extent that the EU reception regime resembles a reception roulette that randomly imposes different possibilities to asylum seekers. I will discuss two examples to show the degree of arbitrariness at stake in the regime: one concerns the functioning of dispersal schemes, while the other relates to fingerprinting.

Arbitrary Dispersal

The dispersal schemes that are implemented in Italy and Sweden, as well as in many other countries in the EU (EMN 2014; ECRE 2016), provide a good example of the degree of arbitrariness involved in the allocation of asylum seekers within a national territory. In both countries, these schemes are primarily based on random logistical concerns according to which asylum seekers are sent wherever a place in a reception facility is available. In principle, exceptions are only made for families with children and people with mental or physical issues, for whom an attempt is made to find the most appropriate place. Hence, dispersal measures are exemplary of the logistical approach to reception discussed in the previous chapter and they also show how forms of support are basically imposed on asylum seekers, as the refusal to accept a destination would translate in the loss of the right to benefit from reception measures.¹⁰⁷ The extent of imposition in these schemes was clearly captured by one of my interviewees, who noted how the foundation of dispersal mechanisms is that “you cannot choose where to live, you need to take the place we offer to you” (Interview with a *Migrationsverket* team lead, January 2015).

Through such an arbitrary mechanism of allocation, asylum seekers are thus sent to contexts and facilities that provide extremely diverse reception conditions, as I stressed in the previous section. Therefore, it is basically by chance that asylum seekers are destined to a place or another and this shows the relevance of luck in asylum seekers’ experiences of the regime. In these terms, the regime works as a roulette which randomly imposes different trajectories and possibilities to asylum seekers. It can thus

¹⁰⁷ Except for those who manage to find their own accommodation in Sweden as in the example of EBO reception discussed above.

be said that arbitrariness complements the heterogeneity of contexts and contributes to a mode of governing that operates by creating differentiated experiences and offering diverse possibilities. However, it is important to stress that arbitrariness does not only relate to practices of allocation, but it is also at stake in one of the first encounters between asylum seekers and the EU reception regime. This was particularly evident in the case of those who arrived in the EU through the Mediterranean Sea, thus disembarking in southern Italy between 2014 and early 2016. The issue of fingerprinting is central here and I will now turn to the analysis of the ambiguous and contested practices that relate to it as an example of the arbitrariness informing the EU reception regime.

Fingerprinted by Force or Let Escape?

The identification of asylum seekers through fingerprinting is a cornerstone of the CEAS given that the overall functioning of the Dublin system is premised upon such identification and the consequent definition of the member state that is responsible for the asylum application.¹⁰⁸ As a necessary counterpart of the Dublin system, the Eurodac regulation requires member states to take the fingerprints of all asylum seekers and all third-country nationals who are apprehended while crossing irregularly an EU external border. All the fingerprints are entered in the Eurodac database, which thus allows the identification of the first country of entry and the detection of previous asylum applications lodged by an asylum seeker in another member state. However, there is some ambiguity concerning the procedure for taking fingerprints, which according to the Eurodac regulation:

[S]hall be determined and applied in accordance with the national practice of the Member State concerned and in accordance with the safeguards laid down in the Charter of Fundamental Rights of the European Union, in the Convention for the

¹⁰⁸ Nevertheless, it is important to stress that the Dublin Regulation does not identify fingerprinting as the only way to determine the state responsible for an asylum application. If fingerprints are not available, there are several other valid types of proofs that are listed in the second annex of the Commission Implementing Regulation (EU) No. 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003. These proofs include for example family ties with beneficiaries of international protection who live in a member state as well as previous regular stay in a member state. However, as stressed by ECRE (2015), the relevance of fingerprinting has gradually acquired a central role in the Dublin system.

This quote highlights two possible tensions that invest the practice of fingerprinting. The first concerns a conflict between the emphasis on control that underpins fingerprinting and the necessity to implement it in ways that safeguard fundamental rights enshrined in international and EU law. In this regard, the obligation to fingerprint is not accompanied by a clear obligation to provide fingerprints, as that would be problematic in legal terms (ECRE 2015). The second potential tension stems from the instruction that fingerprints shall be applied “in accordance with the national practice of the member state concerned”, which leaves some room for member state’s autonomy on the issue. The different approaches to fingerprinting in the EU were the object of an *Ad-Hoc Query* released by EMN in September 2014, which revealed a composite picture, ranging from states authorising the use of detention or some degree of coercion in the implementation of fingerprinting to others that do not. As concerns Italy, which significantly did not participate in the survey, its national legislation does not allow neither the detention of asylum seekers aimed at determining one’s identity (ASGI 2015a), nor the use of coercion (ASGI 2014).

These tensions reached a point of no return between 2014 and 2015, when the magnitude of the transit of migrants through Italy became evident. According to the International Organisation for Migration (IOM), Syria was the top sending country with 42,323 migrants who arrived in Italy in 2014, followed by Eritrea with 34,329 (IOM 2015). In the same year, however, Italian authorities only registered 502 asylum applications from Syrians and 474 from Eritreans.¹¹⁰ Even acknowledging that some of those who arrived in 2014 could have been still waiting for registration at the end of the year, these figures are quite telling of the situation, whose empirical facets will be investigated in the next chapter. The scope of the phenomenon was indeed acknowledged by the chief of the Italian Scientific Police, Daniela Stradiotto, during

¹⁰⁹ Art 3.5, Eurodac regulation.

¹¹⁰ Data is taken from the biennial report by Ministero dell’Interno, *Dati Asilo 2014-2015*, which is not available anymore online. As concerns 2015, UNHCR released the following data regarding applications in comparison to sea arrivals for the period from January 2015 to July 2015: 214 applications from Eritreans out of 25,657 sea arrivals; 465 applications from Somalis out of 7,538 sea arrivals; 86 applications from Sudanese out of 5,658 sea arrivals; and 181 applications from Syrians out of 5,495 sea arrivals (UNHCR 2015).

a hearing at the Italian Parliament on 10th September 2015. On that occasion, Stradiotto declared that 66% of incoming migrants had been fingerprinted since the beginning of the year.¹¹¹

Asylum seekers' refusal to provide fingerprints exposed the frictions characterising the EU reception regime around the contested issue of the identification of migrants, with the European Commission and other member states blaming Italian authorities for failing to meet their obligations under the Dublin regulation (Statewatch 2014).¹¹² Fingerprinting gradually became a key concern for the Commission, as it is demonstrated by the conception of the hotspot approach in the wake of the European Agenda on Migration, which I will investigate in the next chapter.¹¹³ Such an heightened emphasis at the EU level translated into an increased pressure on Italian authorities, which in turn called for a clampdown on fingerprinting in September 2014, by releasing a very controversial Ministerial Circular in which coercive fingerprinting was permitted if necessary (Stranieri in Italia 2014).¹¹⁴

This produced a schizophrenic situation at the level of everyday practices, given that asylum seekers could basically come across any kind of treatment according to the place as well as the moment of their arrival. In fact, in some places asylum seekers were literally let escape before the identification, as it was observed by an NGO worker: "here, the will is respected: many people left the facility without being fingerprinted" (Interview with an NGO worker, October 2015). In other locations, however, procedures were very different and even included the use of force to ensure

¹¹¹ The record of the hearing is available at: <http://documenti.camera.it/leg17/resoconti/commissioni/stenografici/pdf/69/audiz2/audizione/2015/09/10/leg.17.stencomm.data20150910.U1.com69.audiz2.audizione.0020.pdf>.

¹¹² In this regard, on 10th December 2015, the European Commission started an infringement procedure against Croatia, Greece and Italy, urging these countries to correctly implement the Eurodac regulation and effectively fingerprinting asylum seekers (European Commission 2015b). The procedure was then closed almost one year later, on 8th December 2016, when the Commission declared that a "fingerprinting rate of close to 100%" had been reached (European Commission 2016c).

¹¹³ Besides that, in the framework of the reform of the CEAS, the Commission has proposed to reform the Eurodac regulation by introducing the requirement that member states oblige asylum seekers to provide fingerprints as well as the possibility to apply "effective, proportionate and dissuasive" sanctions against those who refuse to be fingerprinted (European Commission 2016d).

¹¹⁴ The scan of some pages of the Ministerial Circular (Circolare del Ministero dell'Interno del 25 settembre 2014) is available here: http://www.meltingpot.org/IMG/pdf/circolare_impronte.pdf. The Ministerial Circular was controversial not only in terms of its contents, but also as concerns its form. Indeed, an electronic version of the document was impossible to find on institutional websites and the page referring to the use of force lacked the header of Ministero dell'Interno, as the copy available at the link above demonstrates.

that fingerprints were collected from all asylum seekers, as it was reported in the press and confirmed by several of my interviewees. In some cases, asylum seekers were even beaten up and left without food and water to be convinced to provide their fingerprints (Ambrogi 2014; Escapes 2014; Grigion 2014; Catalano 2015). In this respect, on 13th May 2015 a group of Italian Members of the European Parliament (MEP) filed a parliamentary question to the European Commission on the “unlawful use of force at Pozzallo and Lampedusa reception centres, Italy, to collect migrants’ fingerprints – including those of minors – for identification purposes”.¹¹⁵

What happened is basically that each *Questura* (Police Headquarter)¹¹⁶ decided how to deal with the issue and this gave rise to extremely diverse practices and consequently treatments for asylum seekers according to the reception centre in which they were moved after disembarkation. However, it is necessary to stress that struggles against fingerprinting did not stop, despite increasing violent practices deployed by the Italian police, as it is proved by a protest that took place in Lampedusa towards the end of 2015 (Garelli & Tazzioli 2016a). As a result, *Questura* had to come to terms with asylum seekers’ resistance and modify their procedures accordingly. This is what happened for example in one of the places that I visited, in which some violent attempts to collect fingerprints only succeeded after a long and draining fight with prospective asylum seekers. The resolution of asylum seekers convinced *Questura* to change its course of action and accept individuals’ wills, which were then documented as a refusal to benefit from reception measures. This essentially gave asylum seekers the possibility to continue their journey towards other European countries, as the next chapter will discuss in greater detail.

However, my fieldwork revealed that practices of fingerprinting did not only vary in space, but also in time. The situation was so ambiguous and unstable that the conduct

¹¹⁵ The Parliamentary Question was filed by Barbara Spinelli, Eleonora Forenza and Curzio Maltese for the European United Left/Nordic Green Left European Parliamentary Group (GUE/NGL); Elly Schlein for the Group of the Progressive Alliance of Socialists & Democrats in the European Parliament (S&D); and Laura Ferrara and Ignazio Corrao for the Europe of Freedom and Direct Democracy Group in the European Parliament (EFDD). The question as well as the written reply from the Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos can be found here: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2015-007777+0+DOC+XML+V0//EN>

¹¹⁶ There is a *Questura* in each Italian province and it is responsible for all the activities carried out by *Polizia di Stato* (State Police) in the territory of the province. See: <http://www.poliziadistato.it/articolo/964>

of police officers could even change in the same location between one day and the day after, as this quote demonstrates:

It has not been long since they began to collect fingerprints during the disembarkation phase [...] In a previous disembarkation, there were people who refused to be fingerprinted and... how can I say... they were not forced, but convinced in a very convincing way! [...] For instance, a colleague of mine saw a police officer who took the hand of a young lady and placed it on the device for collecting fingerprints. He didn't attack her, but let's say that she wasn't really willing to be fingerprinted. Then, for example, during the last disembarkation, there were people who didn't want to give fingerprints and nothing happened to them. It really depends. They [the police] are also a bit lost.

(Interview with an NGO worker, November 2015)

Another interviewee observed: “there are all these shifts, these changes, even between one month and the following one” (Interview with an activist, October 2015). For these reasons, I suggest that the ambiguities and struggles over fingerprinting, especially after September 2014, represents a good example of the role of arbitrariness in the operation of the EU reception regime. The findings above show how the regime was literally working as a reception roulette at the time of my fieldwork: each place and moment paved the way to a different incorporation into the regime, channelling asylum seekers through different trajectories and experiences. At stake, however, there was not only an arbitrary differentiation between asylum seekers according to where and when they ended up, but also a racialised partitioning which was allowed by the wide room left for discretion. The following quote gives an idea of what I am referring to:

Something was very clear last year. There was this reception centre and another one in the town X, which was connected to this one. Well, when people arrived, the police used to send sub-Saharanans here, while Syrians, Eritreans, etc., were sent to the other one because it was an open centre and therefore they could escape. So basically, the sorting was already made before they got on the bus from the port.

(Interview with an activist, October 2015)

Therefore, as other interviewees also emphasised, some nationalities had more chances to avoid fingerprinting; namely, the nationalities who tended to fight harder against fingerprinting and were also commonly recognised as “true refugees”, such as Syrians

and Eritreans. Nevertheless, the roulette-like nature of the regime prevents one from understanding its functioning in such linear and deliberate terms, as the examples of violence exerted on Syrians prove (Ambrogi 2014; Escapes 2014; Grigion 2014). The functioning of the EU reception regime is much more perverse as the next chapter on failure will demonstrate.

CONCLUSION

After the discussion of the reception industry and its logistical rationality which was carried out in Chapter 4, this chapter has framed the EU reception regime in terms of a reception roulette which governs asylum seekers through differentiation. Differentiation is therefore the second key mode of governing asylum seekers that is identified by the thesis through the analysis of empirical examples from Italy and Sweden. While the main effect of logistical rationality is the gradual transformation of reception into a form of warehousing that has dehumanising effects, differentiation multiplies asylum seekers' experiences and possibilities, thus undermining the idea of a common area of protection in which asylum seekers are treated equally. Far from representing a level playing field in which reception conditions are harmonised, the chapter showed how the EU reception regime is rather based on a substantial heterogeneity of reception conditions, institutional arrangements, and future possibilities, which are arbitrarily imposed on asylum seekers.

The chapter thus focused on the spatial configuration of the EU reception regime. In particular, the first section demonstrated how the regime is premised upon the image of the smooth and even space of the common area of protection, in which the specificity of local contexts of reception is obliterated. Such a spatial politics, I argued, underpins the Dublin system in its current form as well as in the proposed reform that includes a "corrective allocation mechanism". Drawing from the work of Foucault, the spatial politics of the EU reception regime was analysed as an example of government by the truth, through which a specific governing reality has been brought into being and simultaneously portrayed in the harmonised and smooth terms of the common area of protection.

The framing of the spatial politics of the regime in terms of a politics of truth enabled me to understand the presumed smoothness and evenness of the common area of protection as a governmental program with very material effects, despite its non-correspondence with the empirical situation on the ground. Indeed, as the existence of a smooth space in which asylum seekers are treated equally and fairly is assumed by measures like the Dublin regulation and relocation mechanisms, the image of the common area of protection reveals itself extremely real in the lives of asylum seekers. Based on the presumed smoothness and evenness of the space of the regime, asylum seekers are not allowed to choose the country or local context of destination. As a result, the significant heterogeneity of reception that was examined in the second section is the basis for mechanisms of differentiation through which asylum seekers are currently governed in the regime.

Therefore, differentiation needs to be understood as the overall intelligibility of a set of effects, rather than an intentional effort deployed by the regime. The consequence of the heterogeneity of reception conditions on the ground, combined with the arbitrary imposition of the context of reception, is the extreme differentiation of treatments provided to asylum seekers, which are nonetheless presented as equivalent on paper. Most importantly, while the harmonisation of reception conditions is expected to reduce asylum seekers' mobility, as I mentioned in the Introduction, the heterogeneity of reception conditions and future possibilities produces the contrary, as it rather stimulates the (unauthorised) movements of asylum seekers. The space of the EU is fundamentally uneven in terms of living conditions, rates of employment, salaries, and welfare provisions; accordingly, asylum seekers and beneficiaries of international protection attempt to take advantage of such differentials. Hence, besides failing to provide equivalent reception conditions throughout the EU, the CEAS thus proves unable to achieve its second main objective concerning the control of mobility. The next chapter will further explore such failure and argue that it constitutes another fundamental mode of governing asylum seekers in the EU reception regime.

CHAPTER 6

THE RECEPTION *DISPOSITIF*: GOVERNING THROUGH FAILURE

The heterogeneity of contexts, reception conditions, and future outlooks that was highlighted in the previous chapter does not only demonstrate that the CEAS fails to create a level playing field in which asylum seekers are treated equally and fairly, regardless of where they lodge their claim. The heterogeneity of reception also highlights a second dimension of the failure of the CEAS, which indirectly stems from heterogeneity itself but cannot be ascribed solely to it. Indeed, the unevenness of the space of the EU fosters the movements of asylum seekers and beneficiaries of international protection within the regime rather than limiting them. Most importantly, these movements are also “illegalised” given that the Dublin system not only confines asylum seekers to the first country of entry, but also prevents them from settling in another member state after the grant of the protection. Hence, despite the official objectives of providing equivalent reception conditions and reducing asylum seekers’ mobility, the everyday material situation of the regime is rather characterised by an extreme heterogeneity of reception conditions and a proliferation of movements, before and after the asylum decision.

While the previous chapter investigated the failure of the CEAS by placing a specific emphasis on the heterogeneity of reception conditions and their long-term implications, this chapter explores the inability of the regime to limit movements. In other terms, the excess of reception investigated in Chapter 5 is here followed by an analysis of a corresponding excessive character of practices of movement, which jeopardises governmental attempts to control mobility. The idea that movements are excessive emphasises the elusive and ungovernable character of practices of mobility, which in the context of the EU reception regime is well demonstrated by the examples of “secondary movements” that are discussed in the first section (6.1.). Besides highlighting the impossibility to fully control, tame, or block movements, the idea of excessive movements presents practices of mobility as forms of struggle which constantly confront the regime and force it to renovate its mechanisms of government. As the first section emphasises, such an approach allows one to interpret the regime as a field of struggle in which a permanent confrontation between mechanisms of capture and practices of mobility takes place.

In this regard, it is important to stress that even if the examples discussed in this chapter concern exclusively forms of transit which occurred through Italy, these are nonetheless manifestations of the functioning of the EU reception regime and not mere Italian issues. Being one of the main doors to the EU, Italy clearly offers a privileged standpoint from which to investigate the phenomenon of “secondary movements”, which intrinsically concerns the whole regime as it refers to the mobility within it. In a similar way, the relevance of the critical investigation of the operation of the first hotspots in Italy, which is proposed in the second section (6.2.), exceeds their specific localisation insofar as they represent a response to the overall failure of the regime to limit movements. However, the section underlines how the initial implementation of the hotspot approach in Italy was ill-suited to reduce movements, as hotspots rather turned out to function as devices of “illegalisation” which were unlikely to stop mobility. The acknowledgement that the malfunctioning of the first hotspots was tolerated by Italian authorities thus serves as an entry point to explore the constitutive character of failure within the regime.

To speak of the constitutive character of failure indicates not only that failure is part and parcel of the activity of governing, but that it is also productive as it creates the conditions for further governmental intervention. For these reasons, the third section focuses on the effects of the failure of the regime by proposing a strategic analysis which follows the one carried out by Foucault in his study of the prison (1991a) (section 6.3.). Such an analysis does not focus on the effects of failure in order to identify their reasons and possible ways to redress them, but rather explores how such effects are strategically reinvested to serve purposes that differ from the original ones. In this perspective, the failure of the regime to reduce movements, which leads to the “illegalisation” and invisibilisation of those who move, turns out to have a very precise outcome. It increases the ranks of a very precarious and disposable labour force in a historical period with very few legal ways to arrive to the EU and very few channels for labour migration. By doing so, the failure of the EU reception regime serves the incorporation of asylum seekers in a neoliberal logic of valorisation of mobility, which attempts to make movements economically beneficial. Hence, just like the prison in Foucault’s analysis, the EU reception regime is described as a reception *dispositif*.

6.1. THE FAILURE OF THE EU RECEPTION REGIME

In line with the understanding of governmentality proposed in Chapter 3, the rationalities explored so far should be considered as governmental efforts which are always-already contested and therefore do not materialise in a mechanical way. Despite the increasing relevance of logistical rationality (see Chapter 4), it is necessary to emphasise the frictions and conflicts that asylum seekers, through their movements, ceaselessly inscribe into the supposed smooth space of logistical reception. Similarly, the reception roulette outlined in Chapter 5 does not unilaterally impose differentiation on asylum seekers because the gaps and differentials that characterise the regime are also challenged and re-appropriated by asylum seekers. If an excess of reception frustrates the image of a smooth common area of protection, the excessive character of practices of movement constantly subverts the regime's attempt to manage mobility through instruments such as the Dublin Regulation and relocation schemes. With their movements, asylum seekers confront the EU reception regime and appropriate its space, thus operating as a "rating agency from below" (Heller et al 2016, p. 14) through which EU member states are assessed on the basis of the presumed living conditions and possibilities.

Excessive movements are therefore a key reason for the failure of the EU reception regime and this excess is examined in this section through a focus on different examples of mobility which occurred in diverse Italian locations between 2011 and 2015. Specifically, the first sub-section reconstructs the movements of those who escaped fingerprinting between 2013 and 2015 and thus outlines a geography of transit by exploring the places through which such transit happened and the reactions provoked by it, both in terms of solidarity and strengthening of border controls (sub-section 6.1.1.). The second sub-section moves on to show less visible forms of mobility which confronted the regime well before what is commonly presented as the "refugee crisis" (sub-section 6.1.2.). In particular, the analysis focuses on "secondary movements" of beneficiaries of international protection who were granted protection in Italy, but left nonetheless the country in order to look for better opportunities in northern or western Europe. Mobilising once again Foucault's analytical toolbox, the section emphasises the constitutive dimensions of struggles over mobility within the

regime and thus describes it as a field of struggle, in which practices of movements constantly incite regime's mechanisms of control and capture.

6.1.1. Excessive Movements

The excessive character of movements undermines governmental attempts to limit mobility and manage asylum seekers in an orderly manner through the allocation in the first country of entry or in the country of relocation.¹¹⁷ While the excess reached its peak of visibility at the European level during the “long summer of migration” in 2015 (Kasperek & Speer 2015), significant manifestations of the so-called phenomenon of “migrants in transit” occurred in several Italian locations from the second half of 2013. During my fieldwork, I visited some of these places, such as the railway stations in Catania, Milan and Bolzano, with the aim of grasping forms and implications of such excessive movements. In these locations, various forms of support for those in transit were developed as a response to practices of movement, whose frequency had been growing drastically since 2013 and specifically after the establishment of the naval operation *Mare Nostrum* by the Italian government.¹¹⁸

In Catania, I met an activist who had been involved in supporting migrants, predominantly Syrians, at the train station between the end of 2013 and the spring of 2015. In that period, as the activist underlined, “there was a tacit agreement between institutions, according to which Syrians were let go and other migrants were stopped” (Interview with an activist, October 2015). Accordingly, the interviewee and a friend decided to provide some assistance at the railway station by “buying train tickets, distributing essential goods and clothes, buying phone cards, and taking people to the internet point” (Interview with an activist, October 2015). “We were actually providing some kind of first-reception”, the activist admitted (Interview with an activist, October 2015).

¹¹⁷ For a discussion of the idea of excess in relation to migration, see Stierl (2017).

¹¹⁸ *Mare Nostrum* was a military-humanitarian operation launched by the Italian government with the aim of rescuing migrants as well as identifying smugglers. It was started after two huge shipwrecks which occurred near the island of Lampedusa on 3rd and 11th October 2013 and provoked the death of 636 people (Tazzioli 2016). The naval operation was carried out by *Marina Militare* (Italian Navy) in partnership with *Aeronautica Militare* (Italian Air Force), *Carabinieri* (Carabinieri Corps), *Guardia di Finanza* (Italian Finance Police), *Capitaneria di Porto* (Italian Port Authority), *Corpo Militare della Croce Rossa Italiana* (Military Corps of the Italian Red Cross), and *Polizia di Stato* (Italian Police). It operated between 18th October 2013 and 31st October 2014.

The following stage in the journeys of those departing from Catania was normally the central train station in Milan, which meanwhile had become a crucial stop-over for those travelling towards northern and western Europe, given that from there it is possible to take trains to France, Switzerland, Austria and Germany. Since 2013, a growing number of people had begun to stop in the mezzanine of the railway station in order to have some rest, gather information on the next stages of the journey, or simply wait for the right moment to cross the border. The phenomenon gradually expanded to the extent that in the summer of 2014 a group of volunteers started providing water and food to those on the road. When I visited the volunteers in August 2015, they had been recently assigned a space near the railway station by the municipality, in which they could provide meals, internet access, and showers to those who needed it. Through such institutionalisation, however, their work had been transformed into a help-desk for vulnerable migrants in general, somewhat losing the previous exclusive focus on those in transit. Indeed, volunteers were backed up by a cooperative whose function was to register the migrants who still had to be fingerprinted in order to then transfer them to reception centres in the Milan area. As the language adopted by volunteers themselves revealed, exposing the process of logistification discussed in Chapter 4, the space had been turned into a kind of *hub*.

The examples of Catania and Milan were followed by another important manifestation of the excessive character of movements which took place at the Brenner border between Italy and Austria (see Figure 4 below). As reported by Brenner/o Border Monitoring (Saltarelli & Weissensteiner 2015),¹¹⁹ movements on the so-called “Brenner route” acquired a significant relevance between 2013 and 2015, while simultaneously being accompanied by an increase in border controls. Border controls at Brenner can be divided into two types. On the one hand, mobile and non-systematic controls are implemented according to a bilateral agreement between Austria and Italy which dates to 1997.¹²⁰ The agreement provides for the so-called “readmission” of those who are intercepted either within 10 kilometres from the border or in the Bolzano

¹¹⁹ Brenner/o Border Monitoring is a monitoring group which was created in September 2014 to follow the situation in the Brenner area in relation to border controls, practices of movements, living conditions of those *en route* as well as forms of support provided.

¹²⁰ The *Agreement between Italy and Austria on the readmission of people at the border* (Wien, 7th October 1997) entered into force on 1st April 1998, just the day after internal border controls between Italy and Austria were abolished following the coming into force of the Schengen Agreement.

province (Italy) or in the Federal Land of Tirol (Austria), without satisfying the legal conditions for a regular entry or stay in the country (Saltarelli & Weissensteiner 2015).¹²¹

Figure 4: Brenner border area (Source Mapbox).



On the other hand, there are the so-called “trilateral controls” involving police officers from Austria, Germany, and Italy, who operate in the Italian territory on EuroCity trains directed to Munich (Germany) (Statewatch 2014). In place since 2000 to fight against pickpockets on international trains, these patrols were strengthened and reorganised in November 2014 to strengthen cross-border cooperation between the three countries. Since then, the aim of trilateral controls has become to stop undocumented migrants, like those who avoid fingerprinting after the arrival in Italy, as well as asylum seekers who lack the travel document that is required to move to another EU country. If controls were quite sporadic before the agreement of November 2014, they have since become an everyday activity, destined to ensure that as much asylum seekers as possible could be “taken out of trains in Italy”, as declared by Joachim Hermann, the Minister of Interior of Bavaria (Statewatch 2014).

Monika Weissensteiner, one of the founders of Brenner/o Border Monitoring, highlights how skin colour is normally the first criterion adopted by trilateral patrols to identify undocumented migrants (Weissensteiner 2015, p. 38), as I could observe

¹²¹ The so-called “readmissions” can be either “informal”, if they occur within 24 hours from the interception, or “formal”, if the time-frame extends to a maximum of 8 days.

myself while travelling towards Munich in November 2014. A few stops before the border, Austrian police officers appeared in the coach where I was sitting and walked past me without saying or asking anything. As I had just heard about trilateral controls, I started following the situation and could see that police officers stopped three black men in the coach next to mine. Although they had a ticket to Munich, as I could hear from their complaints, they were forced to get off the train in Brixen, which is slightly less than 40 kilometres away from the border. This brief example shows how the mechanisms of capture deployed by the regime impact differently on people in relation to their racialisation.

The result of these controls was that a significant number of people was either sent back to Brenner, or stopped in the train stations of Brenner, Brixen, and Bolzano. Hence, in Brenner and Bolzano, some volunteers organised in the summer of 2014 in order to provide some basic support to those in transit, as for example clothes, drinks, blankets, and essential legal advice. Following from that, between the end of 2014 and spring 2015, two help-desks were opened in which migrants could stop during the daytime to have a chat with volunteers, rest in a warm place, and get some food, drinks and clothes.

However, the controls did not manage to achieve their primary aim of preventing people from crossing the border, as it is admitted by Mario Deriu, secretary general of Bolzano's branch of the *Sindacato Italiano Unitario Lavoratori Polizia* (SIULP – Italian Unitary Trade Union for Police Officers): “100% of those who try to cross the border succeed in the end” (Redattore Sociale 2015). As Weissensteiner also emphasises:

As a matter of fact, controls are not successful in stopping people in Italy. They have simply made the journey longer, more difficult, more dangerous, more expensive, and more illegal; namely, by sometimes leaving people with the option of paying someone who is willing to take them beyond the border.

(Weissensteiner 2015, p. 39)

Therefore, the case of Brenner offers us a very good example of the functioning of the regime by showing how it “does not stop the movements”, but rather “keeps people

caught in mobility and transforms border-regions into zones of heightened circulation” (Hess 2012, p. 436). As stressed by the quotes above, far from sealing the border, the strengthening of border controls rather “irrationalises peoples’ movements as it interrupts their plans and trajectories and re-directs peoples’ routeways” (Hess 2012, p. 436).

In addition to Catania, Milan and Bolzano, which were sites of my fieldwork, there are two more key stop-overs in migrants’ transit through Italy which deserve some attention even if I did not manage to visit them directly. These stop-overs are Ventimiglia and Rome. Ventimiglia took centre stage in June 2015 when the border point between France and Italy became increasingly patrolled, thus complicating the journeys of migrants travelling to France (Ginori 2015; ISPI 2015; Kingsley 2015). French authorities reintroduced border controls both on trains and on the old checkpoints of Ponte San Luigi and Ponte San Ludovico on the road between Ventimiglia and Menton (see Figure 5 below). Controls were also strengthened in the area near the border and increasing numbers of migrants were returned to Italy.¹²² As a result of push-backs and strengthened border controls, migrants gathered in increasing numbers in Ventimiglia. The Red Cross set up a camp near the train station, while hundreds of migrants also gathered in an informal settlement near the checkpoint of Ponte San Ludovico and started a political struggle which lasted throughout the summer of 2015.

In Rome, Centro Baobab, a former cultural centre in the neighbourhood of San Lorenzo, was turned into an informal transit centre after the eviction of a makeshift settlement of migrants in Ponte Mammolo in May 2015. Since June 2015, thousands of migrants passed through the centre in which they found a place to stay over the night, rest, and receive some food and drink (Camilli 2015). When Centro Baobab was

¹²² It is important to stress that push-backs did not affect only those who were intercepted upon the arrival from Italy and found without the necessary travel documents, but also other migrants who were stopped and searched quite far away from the border, like in Nice or Paris (ASGI 2015b). In addition, No Borders activists denounced that push-backs also targeted some undocumented migrants who had been living in hiding in France for years (No Borders Ventimiglia 2015). The Italian *Associazione per gli Studi Giuridici sull’Immigrazione* (ASGI – Association for Juridical Studies on Immigration) observed that these push-backs were in violation of several legal instruments, among which the European Convention on Human Rights, the Schengen Border Code, the Dublin Regulation, the Italian Constitution, and the Bilateral Agreement between Italy and France on cross-border cooperation concerning police and customs, signed in Chambéry on 3rd October 1997.

first evicted in December 2015, the group of volunteers involved in its management continued its activity in various places near Tiburtina railway station. Their support was not addressed only to those “in transit”, but also to people who were left outside institutional channels of reception and help, such as: rejected asylum seekers, people waiting for an appointment in *Questura* to lodge the asylum application and therefore still excluded from reception measures, beneficiaries of international protection abandoned after the grant of protection, and asylum seekers returned to Italy in compliance with the Dublin regulation. Finally, a new informal settlement developed in an abandoned parking lot near Tiburtina train station, in the eastern part of Rome, and it has been evicted and re-established several times ever since.

Figure 5: Ventimiglia border area (source Mapbox).



Together with the examples of Catania, Milan, and Bolzano which I discussed above, the experiences of Ventimiglia and Centro Baobab in Rome delineate a geography of movements through which asylum seekers quite successfully defied the Dublin system between 2013 and 2015. At the same time, however, these examples also expose the multiple reactions brought about by the regime to tame such excess. Indeed, border controls have been strengthened in Brenner and Ventimiglia, several evictions have dismantled the forms of solidarity which have developed in Rome for those *en route*,¹²³ while in Milan the situation has basically been normalised through the institutionalisation of the support to asylum seekers.¹²⁴ All these examples draw

¹²³ Another eviction took place shortly before the time of writing, see Redattore Sociale (2017) and Torrisi (2017).

¹²⁴ Moreover, a police operation was deployed at the Milano central train station at the beginning of May 2017 with the purpose of detecting people lacking a regular permit of stay (Osservatorio Repressione 2017).

attention to the key role of movements within the regime. In fact, it is the latter which reacts to practices of movements as these create as well as take advantage of gaps in the mechanisms of government. As a result, the EU reception regime turns out to be characterised by a perpetual confrontation between movements and forms of control, which resonates well with Foucault's idea of an "agonism" between power and resistance (Foucault 2002a, p. 342). Such a confrontation is further explored in the next sub-section, in which the regime is described as a field of struggle.

6.1.2. The EU Reception Regime as a Field of Struggle

Despite the unprecedented dimension of the movements that occurred between 2014 and 2015, one should not fall into the trap of the discourse of the "refugee crisis", as if movements were destined to end at the same time as the crisis. On the contrary, the long summer of migration rather signalled a dramatic acceleration of the "crisis of European migration policies" which had long been underway, as argued by Bojadžijev and Mezzadra (2015). The longstanding character of such crisis is demonstrated by several studies which highlighted the relevance of "secondary movements" well before 2015 (Schuster 2011a; 2011b; Cabot 2013; Brekke & Brochmann 2015). For example, back in 2011, Liza Schuster investigated the trajectories and experiences of Afghan asylum seekers who left Greece or Italy, the two countries that were to be considered responsible for their asylum application according to the Dublin system, and moved to France with the objective of reaching the United Kingdom (Schuster 2011a). In a similar way, Jan-Paul Brekke and Grete Brochmann reconstructed the movements of Eritrean asylum seekers *and* beneficiaries of international protection from Italy, the country of first arrival, to Norway, their desired destination (Brekke & Brochmann 2015).

The article by Brekke and Brochmann is important because it shows that the subjects of the "secondary movements" which they studied were not always asylum seekers who had succeeded in avoiding fingerprinting or travelled onwards despite the release of their fingerprints to the first country of entry. Their analysis reveals that the decision to leave Italy was also taken by beneficiaries of international protection who found themselves in poor living conditions and with no real opportunities, notwithstanding the protection obtained. This is a phenomenon which I could see quite closely during

my previous work experience in a support program for asylum seekers and beneficiaries of international protection in an Italian district (Vianelli 2014a). In fact, 24 people out of about a hundred whom I met during my employment moved to another country, either by quitting support measures before the expected deadline or by going abroad immediately after the dismissal from reception accommodation. Of these 24 people, 21 were in possession of a protection status, by which I mean either the refugee status or the subsidiary protection one or a permit of stay based on humanitarian grounds.

It is very difficult to have precise data about these movements given that it has not been possible to keep track of all the people I met. However, the proportion above is quite realistic of my experience and gives an idea about the scope of the issue. These figures are based on information which I obtained directly from the people concerned or on clues which I carefully tested with my former colleagues. In some cases, it has been possible to meet again those who moved abroad, as they need to go back to Italy from time to time to take care of administrative procedures, like renewing the Italian permit of stay and travel document. Indeed, it is because of these documents that they can “legally” move to another EU member state. Yet, such a migration must be temporary, as I will show in greater detail in the third section by focusing on the negative effects that the impossibility to settle in a new member state has on beneficiaries of international protection.

The important aspect that needs to be stressed here is that these movements expose a long-term opposition to the politics of migration management underpinning the EU reception regime, thus highlighting the extent to which the regime was already “in crisis” before the supposed “refugee crisis” of 2015. Post-recognition “secondary movements” represent a subtler dimension of the excessive character of movements discussed above, but this should not lead one to downplay their political significance. On the contrary, post-recognition movements, as well as the more visible forms of mobility which took place in Brenner, Catania and Milan, should be interpreted as struggles against the EU reception regime. Through such struggles, migrants resist “a certain configuration of power relations” (Tazzioli 2015a, p. 11) by refusing their allocated place within the regime.

In this respect, it is helpful to think at these movements through the analytical lenses provided by the notion of “migrant struggles” (Tazzioli et al 2015, p. 80), as this draws attention to both visible and invisible practices of movement. Indeed, the idea of migrant struggles does not only refer to the “more or less organised *struggles* in which migrants openly challenge, defeat, escape or trouble the dominant politics of mobility” (Tazzioli et al 2015, p. 80, italics in the original). This was for instance the case of Brenner, Catania or Milan. On the contrary, migrant struggles also involve the “daily strategies, refusals, and resistances through which migrant enact their (contested) presence” (Tazzioli et al 2015, p. 80). Along these lines, someone who is granted protection in Italy and then moves to Sweden, where she will work illegally and live in a quasi-legal status as I stress in the section 6.3., exemplifies an imperceptible practice of resistance against the EU reception regime. Even if not “perceptible in the ordinary regime of visibility” (Tazzioli et al 2015, p. 81), these movements are nonetheless “struggles of (migrant) everyday life: they consist in the mere fact of persisting in a certain space, irrespective of law, rights and the pace of the politics of mobility” (Tazzioli et al 2015, p. 82).

The concept of migrant struggles underscores the “structural relation between ‘migration’ and ‘struggles’” by stressing how migrations are “eminently caught within relations of power” (Tazzioli et al 2015, p. 81). By placing movements within a field of power relations, the notion of migrant struggles is therefore in line with Foucault’s emphasis on the relational character of power and, accordingly, with his understanding of resistance, which was discussed in section 2.2. For Foucault, in the same way as power is relational, microphysical and dispersed, so is resistance which therefore is understood as an irreducible element in power relations. Following this approach, it is possible to see how the EU reception regime is traversed by a “plurality of resistances” (Foucault 1978, p. 96) which constantly stimulate regime’s mechanisms of capture. Indeed, if one looks at the excessive character of movements through the concept of migrant struggles, the regime itself appears as a field of struggle “within which modifying, challenging, or interrupting the configuration of power is always at stake” (Tazzioli et al 2015, p. 81).

My understanding of the EU reception regime as a field of struggle basically refers to what Martina Tazzioli defines with the neologism “strugglefield” (Tazzioli 2015a; 2015b). Tazzioli speaks of “migration strugglefield” to describe:

[T]he contested field that materialises in spaces formed on the one hand by mechanisms of capture, monitoring and containment, and on the other hand by strategies of migration that exceed or escape the conditions of authorised mobility [...] the notion of strugglefield conceives of governmentality as a conflicting space in which it is always possible to find leeway of resistances and points of fragility to invert, transform or break the existing configuration of power.

(Tazzioli 2015b, p. 4)

In line with Foucault, the idea of strugglefield “frames the very relationship between power and resistances not as a dynamic of action/reaction but as a confrontation between forces, and in this way power is nothing but the present and unstable ‘winning strategy’” (Tazzioli 2015a, p. 30 n. 9). In a similar way, I understand the EU reception regime as a space of confrontation between forces, in which struggles over mobility are crucial, and whose configuration is always contingent and open.

Such an understanding of the EU reception regime has two substantial implications that require further attention. One concerns the emphasis on subjective practices, which are not dismissed as mere reactions to practices of government, and this enables one to reject the framing of asylum seekers in terms of passive objects. The second implication is a corollary of the emphasis on subjective practices and relates to the constitutive dimension of struggles in the EU reception regime. As concerns the first point, an attention to movements as subjective practices exceeding control attempts differentiates quite starkly the approach adopted here from formal approaches to the study of reception that were discussed in Chapter 1. By interpreting movements through to the concept of migrant struggles, asylum seekers are not reduced to the role of objects, passively suffering or benefitting from regime’s measures. Far from presenting them as merely subject to the regime, the thesis acknowledges how they constantly confront, reject, and re-appropriate governmental mechanisms, thus taking them to unexpected directions. As a result, this approach does not take for granted the supposed coherence and linearity of governmental programs and the resulting presumption that asylum seekers can be governed in an orderly manner.

In relation to the second aspect, the examples of Brenner and Ventimiglia demonstrate how practices of movement constantly force the regime to revise its strategies, strengthen its mechanisms of control or deploy new ones (Tazzioli 2015a, p. 10; Tazzioli et al 2015, p. 81). By defining the EU reception regime as a field of struggle, I intend to reverse the idea according to which movements are the other of control and acknowledge that, on the contrary, they are rather the engine for the constant renovation of mechanisms of government (Papadopoulos, Stephenson & Tsianos 2008, p. 199; Hess 2012, p. 431). Paraphrasing Foucault, one can interpret movements as “a chemical catalyst” which enables one “to bring to light power relations, locate their position, and find out their point of application and the methods used” (Foucault 2002a, p. 329). It is where and when practices of mobility take place that one can better appreciate the functioning of the regime as well as its gaps and fissures. In this regard, the European Agenda on Migration and the measures to which it prepared the ground represent a good example of an attempt made by the regime to respond to the “turbulence” of movements (Papastergiadis 2000). Notably, the introduction of the hotspot approach, which is examined in the following section, was precisely intended to stop the transit of asylum seekers through countries like Greece and Italy, as in the examples discussed above.

6.2. FAILURE AS A MODE OF GOVERNING

The understanding of movements as struggles through which asylum seekers and beneficiaries of international protection confront the regime and force it to re-organise itself situates the thesis within the field of the autonomy of migration, as I stressed in the Introduction. In this perspective, which is consistent with Foucault’s reflections on power and resistance, struggles are not understood as an aberrant dimension that prevents policy effectiveness, but their constitutive role is acknowledged as the engine of the permanent attempt of the regime to refine its techniques of government. I argue that the European Agenda on Migration, which was presented by the Commission in May 2015 as a response to the “refugee crisis” (European Commission 2015a), offers a prominent example in this regard. Indeed, many of the policy measures adopted in the aftermath of the Agenda epitomise a governmental reaction to the excessive movements described in the previous section.

I will substantiate this claim in the first sub-section by focusing on the key instrument that was conceived to tame movements and revive the Dublin system: the so-called “hotspot approach” (European Commission 2015c). This approach exemplifies the attempt to tackle what the supposed “refugee crisis” presented as the fundamental weakness of the EU reception regime, that is the issue of registration and identification of incoming migrants (sub-section 6.2.1.). In other words, the hotspot approach, just like the Agenda on Migration more generally, can be interpreted as a response to the failure of the regime to identify migrants and contain them in the first country of entry, as required by the Dublin regulation. However, I will emphasise how the response to failure put forward by the hotspot approach creates the conditions for further failure, thus revealing itself as flawed from its very inception. Indeed, the second sub-section stresses how hotspots work as devices of “illegalisation” that produce significant numbers of undocumented migrants, who are likely to continue their journeys albeit in a condition of invisibility and “irregularity” (sub-section 6.2.2.). The third sub-section identifies failure as a key mode of governing asylum seekers in the regime, stressing in particular its immanence in practices of government as well as its productive dimension (sub-section 6.2.3.).

6.2.1. Responding to Failure: The Hotspot Approach

The excessive movements described above need to be integrated with other manifestations which took place across Europe, such as the movements through the so-called “Balkan route”, the continuous attempts to cross the English Channel from Calais (France), and the attempts to reach the Spanish enclaves of Ceuta and Melilla in Morocco. All these examples exposed quite evidently the inability of the regime to manage mobility and allocate asylum seekers according to the criteria set out by the Dublin system. The issue of the identification and registration of incoming migrants that I fleshed out in section 5.3. was soon identified by EU policymakers as a strategic one. For this reason, one of the first key measures adopted in the wake of the Agenda on Migration was the introduction of the so-called “hotspot approach”, consisting in operational support to “frontline Member States which are facing disproportionate migratory pressure at the EU’s external borders” (European Commission 2015c). As Greece and Italy were initially identified as the countries requiring such support, the

hotspot approach was implemented in several border points in the two countries.¹²⁵ However, it is important to stress that hotspot denotes an *approach* rather than a place and as such it describes a set of procedures that can be replicated in other places in case of need.

The aim of the hotspot approach is to swiftly identify, register and fingerprints newly arrived migrants in order to classify them as either “genuine asylum seekers” or “economic migrants”, as if a straightforward distinction between the two categories could be possible (Pallister-Wilkins 2015; Crawley & Skleparis 2017). Following such classification, the first group should then be moved to another reception facility and channelled into the asylum procedure, or selected for relocation in the case of those belonging to the nationalities considered “in clear need of protection”. In this sense, the hotspot approach is therefore the necessary foundation of the relocation schemes that were discussed in the previous chapter, given that relocation cannot be imagined without a corresponding effort to identify asylum applicants and select those eligible for relocation. For those who are labelled as “economic migrants”, instead, the next stage should be deportation, at the least on paper as I will stress below.

As one can easily imagine, the hotspot approach immediately emerged as one of the most controversial measures introduced by the Agenda on Migration because of the implications that such a fast-track sorting mechanism might have in terms of obstacles to the access to the asylum procedure, lack of information regarding one’s rights, extended detention, and coercive fingerprinting (Amnesty International 2016). In this respect, the hotspot approach has been described as a “summary human triage with the aim of massive rejection” (Fassin 2016), or in terms of a “filter” (Garelli & Tazzioli 2016b), whose “main deceit [...] is the claim that the filtering operation [...] can be

¹²⁵ As concerns Italy, in particular, hotspots were created in Lampedusa (AG), Pozzallo (RG), Taranto and Trapani. Initially, two more hotspots were planned in Augusta (SR) and Porto Empedocle (AG), but in the *Piano Accoglienza 2016* (Reception Plan 2016) *Ministero dell’Interno* does not refer anymore to these facilities and announces the intention to transform part of the CARA in Mineo (CT) into a “hotspot area” in order to reach a total capacity of 2,500 places for all the hotspots (Ministero dell’Interno 2016, p. 15). All these places were identified as “hotspot areas” in which directing all arrivals so as to allow the implementation of registration and identification procedures. Hotspots were created by converting previous first aid and reception centres (CPSA), such as Lampedusa and Pozzallo, or the identification and expulsion centre in Trapani Milo. In Taranto, instead, a temporary camp was specifically created in the northern area of the port.

implemented legally and in accordance with human rights principles” (Sciurba 2016). As Glenda Garelli and Martina Tazzioli argue:

[T]he hotspot works as a preemptive frontier with the double goal of blocking migrants at the southern borders of Europe and, at the same time, impeding the highest number of refugees possible from claiming asylum.

(Garelli & Tazzioli 2016a)

Considering that the first hotspot was officially opened in Lampedusa on 21st September 2015 and all Italian hotspots but the one in Taranto are in Sicily, my visit to the region in the second half of October 2015 was extremely timely as I could gather first impressions from the field about the transformations underway. My attention was immediately directed towards the procedure through which the actual partition between “genuine asylum seekers” and “economic migrants” was carried out. Indeed, as a response to the heightened pressure placed by EU institutions and other member states on the fingerprinting of incoming migrants, Italian authorities slightly modified the procedure of pre-identification by placing more emphasis on the reasons for migration. Pre-identification is the stage in which migrants are interviewed by police officers and Frontex officials,¹²⁶ and asked to provide details such as name, surname, gender, date of birth, nationality, and cause for migration.¹²⁷ In late September 2015, a specific form called *foglio notizie* (news form) was introduced to streamline this procedure and to swiftly sort between “potential asylum seekers”, to be channelled in the asylum procedure, and “economic migrants”, to be “illegalised *on the spot*” (Garelli & Tazzioli 2016a, italics in the original).

The problem, as many have already denounced, is that *foglio notizie* is extremely misleading as well as paving the way to a significant degree of discretion performed by the officials who fill it in or hand it out (Dutch Council for Refugees et al 2016; Garelli & Tazzioli 2016a; Sciurba 2016). Indeed, *foglio notizie* is basically a multiple-choice form based on the question “why have you come to Italy?” for which four answers are possible: work, family reunification, escape from poverty, and other

¹²⁶ Several interviewees observed how an increasing involvement of Frontex officials during the stage of pre-identification was taking place at that time.

¹²⁷ Pre-identification follows the health screening that takes place shortly after the disembarkation.

reasons. Hence, although the new procedure is explicitly aimed at dividing “refugees” from “migrants”, the available answers included in the form do not include war, persecution, or international protection, which instead fall under the option “other reasons”.¹²⁸ Those who want to apply for asylum are expected to declare it very clearly, otherwise they might be hastily classified as “economic migrants” and denied access to the asylum procedure. However, leaving such responsibility on asylum seekers might be very troublesome at the stage of pre-identification, which takes place shortly after the arrival when people are exhausted, if not traumatised, by the journey across the Mediterranean Sea. Furthermore, the lack of adequate information about the possibility to apply for asylum and the purpose of *foglio notizie* have also been stressed as problematic aspects characterising the phase of pre-identification (Dutch Council for Refugees et al 2016), as observed by one of the NGO workers that I met:

They [migrants] arrive after several months in Libya, then followed by the trip across the sea. They have not been drinking and eating for a long time, etcetera; and they find someone who tells them that they must apply for international protection, otherwise it is going to be a problem for them. I mean, they don't understand a thing! Everybody would not. It is the timing in which information is provided, but also the timing of the pre-identification, that are just wrong, they are not appropriate.

(Interview with an NGO worker, November 2015)

Besides the problems concerning the timing of the pre-identification and the lack of information provided to migrants, the substantial ambiguity characterising *foglio notizie* leaves a considerable discretion to police officers in charge of completing the form, given that “there are different ways that they [police and Frontex officers] have to [...] solicit answers” (Interview with an NGO worker, November 2015). As an interviewee observed: “many were asked ‘do you want to work?’ and they replied ‘yes’, so they were probably classified as people moving for economic reasons” (Interview with an activist, October 2015). Moreover, the issue is not only about how the question is posed, but it also “depends on the way in which you fill the form in” (Interview with an activist, October 2015). In this regard, an NGO worker observed that:

¹²⁸ According to a recent research carried out by several NGOs (Dutch Council for Refugees et al 2016), it seems that a specific option for “asylum” has now been added in *foglio notizie*.

There are people doing this kind of job [filling the forms in] and, from what we know, they do it in extremely hasty and discretionary ways. Hence, even if someone writes on the form that she comes from Eritrea, it might be the official herself to decide to delete and write Ethiopia [...] We heard about this sort of things.

(Interview with an NGO worker, November 2015)

Along these lines, an activist stressed how several migrants told him that nobody asked them anything, thus implying that the form was directly filled in by the officers. Such a significant degree of discretion that was left to officers often resulted in racialised partitions, which follow what Alessandra Sciorba describes as a “‘colour line’, corresponding to the country of origin” (Sciorba 2016). As I was told in an interview:

Representatives of the institutions confirmed that these questionings have also been carried out to divide economic migrants from potential asylum seekers, with the precise belief that migrants arriving from some countries, like Syria and Eritrea [...] are prospective asylum seekers, while all the others are migrants who came for economic reasons.

(Interview with an activist, October 2015)

However, even if the criterion of nationality was certainly a strategic one in sorting “potential asylum seekers” and “economic migrants”, the situation on the ground during the early and confused stages of the establishment of the hotspots in Sicily was much more complicated and arbitrary. Indeed, one of the activist that I met was convinced that:

It is a matter of numbers that the police, that is Italy, must provide to Europe (sic) [...] The form is probably given to all applicants, but then it depends on how the question is posed and, in my opinion, it also depends a lot on how many people must be rejected in order to show that a certain quota is reached.

(Interview with an activist, October 2015)

This interpretation was also confirmed by Francesco Rita, a psychologist from *Medici Senza Frontiere* (MSF – Doctors Without Borders) who used to work at the CPSA in Pozzallo (RG) when the centre was in the process of being transformed into a

hotspot.¹²⁹ In a conference in Rome in November 2015, Rita stressed how police officers informally admitted that they had specific “expulsion quotas” to follow regardless of the profiles of those arriving (Filicori 2015), thus revealing the extreme arbitrariness at stake in the process of pre-identification. In addition to that, the emphasis on the pressure exerted by EU institutions on Italian authorities directs attention to the second and subtler objective of the hotspot approach, which consists in making sure that “frontline Member States [...] fulfil their obligations under EU law and swiftly identify, register and fingerprint incoming migrants” (European Commission 2015c). In this sense, hotspots work as “enhanced mechanisms of intra-governmental control” (Garelli & Tazzioli 2016b) and the involvement of officials from EASO, Frontex,¹³⁰ the European Police Office (Europol), and the European Union’s Judicial Cooperation Unit (Eurojust) in their activities needs to be understood within such framework.¹³¹

6.2.2. A Device of “Illegalisation”

Besides all the problematic aspects of the hotspot approach that were mentioned above, the point that is more relevant for my reflection on failure concerns the role that such an approach plays within the overall functioning of the EU reception regime. In this respect, I presented the hotspot approach as a governmental reaction to excessive movements, aimed specifically at ensuring that all incoming migrants are registered and fingerprinted in the first country of entry. In these terms, the hotspot approach can thus be interpreted as an attempt to restore the Dublin system and the regime’s management of mobility, which were heavily jeopardised between 2014 and 2015 as

¹²⁹ Besides this public statement by Rita, *Medici Senza Frontiere* explicitly denounced several problematic aspects affecting the CPSA in Pozzallo, such as: poor reception conditions; overcrowding; bad sanitary conditions; lack of dedicated spaces for women, unaccompanied minors and vulnerable people; protracted stay in the centre; and general inadequacy of information provided to asylum seekers (MSF 2015a). On 30th December 2015, around three weeks before the CPSA in Pozzallo officially became a hotspot, *Medici Senza Frontiere* decided to cease its activities in the centre because of the lack of the basic conditions required for an effective work, calling again on Italian authorities to improve the conditions in the facility (MSF 2015b).

¹³⁰ Frontex is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established with Council Regulation (EC) No 2007/2004 of 26 October 2004

¹³¹ In particular, EASO officials support national authorities in processing asylum claims; Frontex provides assistance in implementing returns; Europol and Eurojust assists with investigations against “smuggling” and “trafficking” networks.

I discussed in the previous section. Through the hotspot approach, the EU reception regime has sought to exert control over asylum seekers' movements in three ways:

1. by relocating those who are deemed “in clear need of protection”, thus trying to take control of a process that was already happening on the ground, although in an uncontrolled way, through the excessive movements described above. From the perspective of the regime, the relocation of asylum seekers has to be directed in order not to allow asylum seekers to decide where to lodge their asylum claims;
2. by ensuring the prompt identification of all asylum seekers who do not belong to nationalities “in clear need of protection” in order to confine them to the first country of entry as required by the Dublin regulation;
3. by swiftly rejecting and deporting those who are classified as “economic migrants”.

As the negative effects of imposing the context of reception through relocation mechanisms and the Dublin system were already examined in Chapter 5, I would like now to focus on the third point. Even if this might sound a bit odd given that those who are rejected in the hotspots are not entitled to reception measures, this is nonetheless an effect of the EU reception regime and, as such, deserves further attention here. This is even more the case if one considers that, at least in the initial phases of implementation of the hotspot approach in Sicily, the rejection of those labelled as “economic migrants” did not correspond to their deportation, as it had been instead heralded by the Agenda on Migration. Indeed, one should keep in mind that deportation is not an easy task to perform because of its costs and, above all, because it requires bilateral agreements with sending countries which must be willing to accept their citizens or, in the case of transit countries, also to accept citizens of other countries.

At the time of my fieldwork, a *wrong* answer to the question posed by *foglio notizie*, or the discretionary decision of a police officer to categorise the person before her as an “economic migrant”, led to the issuance of a *provvedimento di respingimento*

differito (deferred *refoulement* decree).¹³² Such a degree requires the recipient to leave the country within seven days from the airport of Rome Fiumicino, as I was explained by an NGO worker:

The guys (sic) receive an expulsion order [...] They are commanded to leave the national territory within 7 days from the airport of Fiumicino. Thus, people are left to their destiny in a country which they do not know, without knowing the language, without any available service... only with a piece of paper.

(Interview with an NGO worker, October 2015)

As it was emphasised by Sciorba (2016), this was an “impossible order to fulfil” given that migrants were rejected and expected to autonomously organise their return by reaching the airport of Rome Fiumicino, which is almost 1,000 km away from the southern coast of Sicily (see Figure 6 below). Hence, most of the rejected were neither deported nor detained, but just “illegalised” and abandoned not too far from the port of disembarkation or, in the case of those who arrived in Lampedusa, put on a ferry to Porto Empedocle (AG) and left there (Sciorba 2016). On the one hand, rejected migrants were unable to fulfil the expulsion order, while on the other hand they were prevented from the possibility to claim asylum or regularise their legal condition. In this way, as Garelli and Tazzioli argue, the hotspot produced a “preventative expulsion from institutional channels of protection rather than enforcing territorial expulsion” (Garelli & Tazzioli 2016a).

Hence, during the experimental stage, the hotspot approach revealed itself a device of “illegalisation” which produced undocumented migrants who were literally left to wander in a condition of invisibility, with no other help than the one provided by activists, NGOs, and volunteers. As several interviewees emphasised, the odds that these migrants continued their journeys in order to reach other EU countries were very

¹³² *Refoulement* is the French for *push-back* and it is a common term in international law to designate the return of potential asylum seekers to countries which are not considered safe. The use of deferred *refoulement* decrees by Italian authorities is not new (Fanesi 2011), especially in relation to migrants who are “returnable” thanks to specific bilateral agreements with sending countries. In this respect, an updated list of agreements and memorandums of understanding signed by the Italian government is included in the database provided by Jean-Pierre Cassarino at <http://www.jeanpierrecassarino.com/datasets/ra/>. What presented a new dimension during the early stages of experimentation of the hotspot approach in Sicily was the scope of the use of such practice, which was not limited to those “returnable”, and the heightened degree of arbitrariness.

high, as were very high the chances to end up being exploited as undocumented workers. While the dynamics of “illegalisation” and invisibilisation are discussed in the third section as overall effects of the EU reception regime, it is here necessary to wrap up this sub-section by stressing the function of the hotspot approach within the workings of the regime. Indeed, by functioning as devices of “illegalisation”, hotspots represent not only a response to the failure of the regime to govern movements, but they also denote a response that reveals itself potentially doomed from the very outset insofar as it prepares the ground for additional unauthorised “secondary movements”.¹³³ In other words, it is a response to failure that is in turn failing itself, thus emphasising the crucial role of failure within the regime, whose implications are explored in the next sub-section.

Figure 6: Distance between Porto Empedocle (AG) and Rome (source Mapbox).



¹³³ This is what happened in Sicily while I was doing my fieldwork. The situation might have changed now given that some deferred *refoulement* decrees were annulled by the Court of Catania (Melting Pot 2016). It will take more time to examine the effects of the hotspot approach over a longer term. However, some of my interviewees informally told me in June 2017 that asylum seekers still ran away from reception centres and tried to move to northern and western Europe even if Sicilian hotspots seemed more successful in identifying migrants. If this is the case, the reflections proposed here about the general role of hotspots as devices for “illegalising” migrants and fostering unauthorised “secondary movements” remain pertinent; the difference is that those who move are not completely “illegalised” but pushed to a condition of “quasi-illegality” as I will discuss in the third section.

6.2.3. *Governing Through Failure*

As it was suggested by several of my interviewees, it is extremely plausible to imagine that police officers who issued deferred *refoulement* decrees – as well as those who ordered them to do so – also knew that those whom they were rejecting would have become undocumented migrants resolved to continue their journeys across and beyond Italy. It would have been really unrealistic to think that, after an exceptionally long, costly, and dangerous journey, those rejected migrants would have found some money to go to Rome and fly back to their countries, probably risking jail, torture, persecution or poverty upon arrival.¹³⁴ Following one of the interviewees that I quoted above, one should acknowledge that the aim of the Italian police was rather to reach the right quota of rejections and, in these terms, their actions might have been well successful. However, from the broader perspective of the EU reception regime and its manifold attempts to manage mobility, the outcome of deferred *refoulement* decrees needs to be necessarily understood as a failure. In fact, if a key objective of the regime is to limit movements, then this cannot be included among the achievements of the hotspot approach.

Besides highlighting once again the inconsistencies characterising the regime and the corresponding lack of a single dominating rationality, the example of deferred *refoulement* decrees draws attention to the constitutive character of failure within the regime. The reasons for failure might be varied, certainly including the multiplicity of actors, practices, and rationalities involved in the government of asylum seekers, as well as the excessive character of movements. Yet, what matters for my purposes here is the acknowledgement that the governmental programs deployed by the regime rarely materialise as expected. Indeed, the whole thesis can be described as an investigation of the multiple failures affecting the EU reception regime: Chapter 4 discussed the failure of the regime to provide decent reception conditions to all asylum seekers; Chapter 5 showed the failure to harmonise reception conditions and create an even

¹³⁴ For a discussion of post-deportation risks please see Alpes 2016 as well as the articles in the Forced Migration Review mini-feature on *Post-Deportation Risks and Monitoring* (February 2017), available at: www.fmreview.org/resettlement/post-deportation.pdf.

space of protection; and, finally, this chapter emphasises the failure of regime to reduce movements before and after the asylum decision.

Despite all these failures, however, the main pillars of the regime are still at their place. The European Agenda on Migration makes no exception to the continuity that has characterised the rationale of the regime in relation to reception thus far. Indeed, the Agenda acknowledges the fragmentation characterising the CEAS and the problems affecting the Dublin system (European Commission 2015a, p. 12-13), and it explicitly calls for new measures to tackle such failure. Yet, neither relocation mechanisms nor the hotspot approach – the two main measures adopted in the domain of reception – call into question the overall rationale of the CEAS, as I stressed by discussing relocation in Chapter 5 and the hotspot approach in the previous sub-section. In both cases, the Dublin system and the policy of harmonisation remain the key pillars of the regime.

Such an obstinacy invites one to critically reflect on the role of failure within the EU reception regime and understand failure as both intrinsic to government and productive. With respect to the first issue on the immanence of failure in practices of government, it is possible to observe how the EU reception regime operates in a way which resembles the mechanisms of security discussed by Foucault, which I presented in Chapter 2. Indeed, the EU reception regime is guided by a “principle of self-limitation” (Foucault 2008, p. 20), which calls to mind the one that Foucault identifies as crucial in the functioning of liberalism during his lecture course *The Birth of Biopolitics* (2008). In the same manner as liberalism through its mechanisms of security, the EU reception regime acknowledges the impossibility to govern everything and therefore lets the “natural” course of things happen and only intervenes to steer it and keep it within limits that are deemed acceptable. In this way, the regime accepts its own failure and consequently attempts to govern by embracing it, rather than aiming at its removal.

In this perspective, failure becomes part and parcel of the activity of governing performed by the regime. From the point of view of the regime, the question is not so much to reach a point of perfection in which “secondary movements” are reset to zero. Rather, the aim is to keep them “within socially and economically acceptable limits

and around an average that will be considered as optimal for a given social functioning” (Foucault 2009, p. 5). It is a matter of minimising risks and managing phenomena, “while knowing that they will never be completely suppressed” (Foucault 2009, p. 19). Accordingly, the objective is not to arrest mobility but to tame it, thereby promoting a “differential inclusion” (Mezzadra & Neilson 2013a, p. 159), whose features and implications will be discussed in the next section.

In these terms, failure even turns out to be “an opportunity to refine techniques, redefine targets, extend the field of operation, include more factors and make tactical adjustments” (Burchell 1979, p. 133-134). Far from symbolising the end or substitution of a governmental program, failure ‘acts instead as the impulse for a perpetual effort to reform’ (Gordon 1980, p. 250), thus confirming the prescriptive and teleological dimension of the CEAS which I discussed in section 1.2. For these reasons, I understand failure as a key aspect in the government of asylum seekers, alongside logistics and differentiation.

As concerns the second issue on the productive dimension of failure, the example of the EU reception regime and its key measures such as the Dublin system and the policy of harmonisation demonstrates that the failure of a governmental program does not necessarily imply its conclusion or replacement. As the unexpected results create the conditions for the restructuring of the regime, thereby ensuring the preservation of its key principles, it is probably helpful to problematise the very meaning of failure and complicate a straightforward distinction between failure and success. Thus far, I have understood failure as the inability to achieve certain outcomes; namely, the ones that are presented as the official ones by the regime, such as harmonisation of reception conditions and limitation of movements. By doing so, however, it is not my intention to understand failure in functionalist terms by judging failure and success in relation to governmental plans. For this reason, this thesis calls into question the distinction between failure and success by focusing on what failure produces and exploring which purposes are served by what appears as a failure.

Indeed, if a governmental program persists even when it is unable to fulfil its goals, as in the case of the CEAS, perhaps this means that such supposed *failure* should rather be interpreted as a *success* (Lemke 2013, p. 45). Insofar as governing is a

“*problematizing activity*” (Rose & Miller 1992, p. 181 italics in the original), a real success in tackling a *problem* would mean its solution, thereby eradicating the need to govern that specific issue. As Lemke points out very clearly: “the ‘success’ of a program is no guarantee of its continuation, since success might eventually abolish the material foundations or preconditions for a given program, making it redundant” (Lemke 2013, p. 45). Consequently, he continues, “a program might work ‘well’ because it does not work at all or only works ‘badly’, for example, by creating the very problems it is supposedly there to react to” (Lemke 2013, p. 45).

This is the case of the EU reception regime. Its failure to harmonise reception conditions and reduce movements is both necessary, because it allows the perpetuation of the regime by maintaining problems that need to be governed, and productive, because it paves the way for further governmental intervention. Hence, the failure of the EU reception regime turns out to be very successful in maintaining the conditions which make the regime itself necessary. The next section investigates how this process unfolds and what it produces.

6.3. THE RECEPTION *DISPOSITIF*

While the first two sections of this chapter focused respectively on the failure of the EU reception regime to reduce movements and on the inadequacy of the response identified to tackle such failure, this final section turns to the consequences of such a repeated failure. However, these effects are not explored with the aim of identifying the reasons behind them and ways for avoiding them. My objective is rather to investigate what is produced by the failure of the regime and to understand whether these outcomes present an overall intelligibility that supports and connects them. In other words, the section proposes a shift from a focus on the causes of failure to a focus on its effects, in a way that resembles the analytical approach adopted by Foucault in his study of the prison in *Discipline and Punish* (Foucault 1991a).

Hence, some side effects of the regime’s attempt to limit movements, as for instance processes of “irregularisation”, invisibilisation, and abandonment, are examined from the point of view of their overall role within the regime. The question leading the reflections of the following pages is therefore: ‘why has the overall policy framework

of the EU reception regime been maintained, notwithstanding the effects mentioned above?’ After the discussion of the effects of the regime in the first sub-section (6.3.1.), the following sub-section addresses this question by interpreting the regime as a reception *dispositif* (sub-section 6.3.2.).

6.3.1. The Effects of the Failure of the EU Reception Regime

The effects of the regime are certainly multifaceted and cannot be discussed exhaustively in a few pages. When I speak of *the effects* of the regime, I refer to a specific set of effects, which directly relate to the overarching *raison d’être* of the regime, that is the limitation of mobility. Thus far, the analysis has showed how the regime, through its very attempt to reduce movements, allows forms of mobility that occur in conditions of “irregularity” and invisibility. In other words, the efforts deployed by the regime towards the containment of movements turn out to foster them, while at the same time complicating them, obstructing them, and making them more dangerous, costly, and insecure. Let me illustrate this point by referring to three examples that came up in the discussion so far.

The first concerns those migrants who were rejected in the Sicilian hotspots and abandoned with a deferred *refoulement* decree in their hands. While one cannot assume that they continued their journeys and left Italy, it is nonetheless reasonable to think that this has been an option for many of them, especially those who have family ties or friends in other countries or who could benefit from their language skills in another country. In any case, for both those who left Italy and those who stayed, living conditions have certainly been extremely difficult as in both cases they have had to hide from authorities; count on the support of relatives, friends, or non-profit organisations; and find a job as undocumented. With no possibility to regularise their legal position,¹³⁵ these migrants might even be detained or deported if intercepted by the police, thus experiencing a condition which resembles the one of “deportability” that Nicholas De Genova discussed in relation to undocumented migrants in the US (2002). Deportability concerns the protracted possibility of deportation, which De Genova identifies as crucial in migrants’ experiences of “illegality”, even more than

¹³⁵ The only possibility available to recipients of deferred *refoulement* decrees was to appeal against the decree and win the case, as it indeed happened in some reported examples (Melting Pot 2016).

actual deportation. Indeed, the risk of being deported confines “illegalised” migrants to a permanent condition of uncertainty and vulnerability, while also sustaining the disposability of their labour.

The second example is provided by those who refused or escaped from fingerprinting in order to move towards northern and western Europe.¹³⁶ Albeit undocumented, these migrants still had the chance to regularise their position by applying for asylum and consequently access reception measures either in Italy, in case they did not manage to leave the country undetected, or in another European country. However, the refusal to provide one’s fingerprints in order not to be confined to the first country of entry is also problematic as it leaves migrants in a condition of invisibility. Some possible side-effects of such invisibility are pinpointed by Mario Deriu, the secretary general of Bolzano’s branch of SIULP that I have already quoted in section 6.2. in relation to the situation at Brenner. He declares:

I have been told that there are taxi drivers in Ventimiglia that pick you up for 200 euro and that’s it. In this way, however, we produce illegality. I mean, in the end we are going to develop the less upright side of our society [...] Why don’t we organise a way [*percorso*] and make it legal? I am convinced that it is absolutely necessary to identify these people, provided that it is carried out in accordance with ethical and relational fairness. And not so much for preventing terrorism, but for preventing and alleviate the possible consequences of permanent presences on the edge of legality. Here, the risk is to find ourselves with thousands of people destined to become *ghosts* who will need to break the law to survive because they are excluded from legal channels.

(Bertoncin & Weissensteiner 2016, my italics)

This quote denotes how invisibility is problematic in two respects. One concerns the risks for the invisible, which during my fieldwork in Sicily were stressed especially in relation to unaccompanied minors, as this quote exemplifies:

I understand that fingerprints are a trap, but when it comes to minors it is the right thing to take fingerprints because it is a form of safeguard for them. But then what

¹³⁶ The condition of those who escape from Italy despite having been fingerprinted can be associated with this second group. Indeed, these people must hide from the authorities of the country in which they move for 18 months, after which the second country takes over responsibility for the asylum application.

happens? It often happens that fingerprints are not taken especially to minors, who are the ones who need it more. Hence, these children who aim to leave Italy [...] end up in the hands of traffickers. We might see some of them if we have a walk in this area [...] They are basically adults who walk with minors who in turn lure other minors. These latter minors are then kidnapped: families are asked to provide a ransom [...] But minors might also be beaten up... I don't know, anything can happen to them.

(Interview with an activist, October 2015)

But invisibility might also lead to a second type of problems which relate to the potential benefits that it brings to illicit economies, thus adding a further dimension to the reception industry discussed in Chapter 4. In some cases, this translated into higher costs for migrants, who were swindled because of their fear to be intercepted by the police, as this interviewee underlined:

For migrants, the objective was always to arrive to the railway station in Catania to move onwards. They hardly ever arrived with ordinary buses, but normally with cars – many unauthorised taxis [...] – even if we always told them not to accept these offers. They arrived at the railway station and we were usually there to help. However, it could happen that we did not manage to go and when it happened there were always criminals who alarmed them [migrants] by saying: “Look, the police are inside the train station and they will take your fingerprints, I am going to buy you the train ticket”. In this way, a ticket which costed 60 euro became 100 euro for them.

(Interview with an activist, October 2015)

The third possible effect of the regime pertains to those who leave Italy after the grant of international protection. In section 6.1. I defined this form of mobility as “post-recognition secondary movements” and explored it through the example of beneficiaries of international protection who quit accommodation facilities in which I used to work before starting my PhD. While in some cases such a departure was a long-standing objective, on other occasions it was the situation of institutional abandonment and the overall lack of prospects following the end of reception measures which persuaded beneficiaries of international protection to leave Italy and look for better opportunities in another EU country.

Once arrived in a new country, however, these people are obliged to live in a condition of “quasi-illegality”, given that EU law allows them to move freely within the Schengen area for a period of three months, but not to settle and work in another member state.¹³⁷ Moreover, as I highlighted in the previous chapter, the protection status issued by Italy is not valid in another EU country because the Dublin regulation does not provide for the mutual recognition of positive asylum decisions. As a result, beneficiaries of international protection who move to a second EU country end up in a kind of liminal condition. On the one hand, their stay is not entirely “irregular” as it is difficult to prove whether they overstayed the permitted period of three months or not. On the other hand, they are nonetheless forced to hide, to work as undocumented and to give up most of the rights that are attached to their condition of beneficiaries of international protection. Even if they do not experience a full condition of deportability, as those who were “illegalised” by hotspots, they share nonetheless some of the problems related to the condition of “illegality”.

Hence, the experiences of refugees and rejected asylum seekers might indeed have unexpected points of intersection and this invites one to problematise a straightforward separation between inclusion and exclusion. In this respect, the concept of differential inclusion is particularly helpful as it stresses the continuity between the two terms rather than assuming them as a dichotomy (Mezzadra et al 2015, p. 79).¹³⁸ Differential

¹³⁷ See the so-called “Schengen Borders Code”. Beneficiaries of international protection who holds a permit of stay released by Italy need to apply for a working visa to work in a different EU state or they can apply for the EU long-term resident status after a five-year period of “legal” residence, if they have a stable source of income and health insurance. The five-year period needs to include at least half of the period between the date of the lodging of the application and the date of the grant of the residence permit or the whole asylum process period if it exceeded 18 months. The status of long-term resident grants the same rights of EU citizens in certain areas; for a full list of requirements and rights related to such status see Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents and the Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection.

¹³⁸ The concept of differential inclusion was initially introduced by Sandro Mezzadra (2006) and then further developed by Mezzadra in some of his writings with Brett Neilson (2012a; 2012b; 2013a, esp. pp. 159-166). Along similar lines, De Genova speaks of “a larger socio-political (and legal) process of inclusion *through* exclusion, labour *importation* (whether overt or covert) premised upon protracted deportability” (De Genova 2008, p. 51, italics in the original). In other works, De Genova also uses the concept of “inclusion through ‘illegalisation’” (De Genova 2002; 2004) to emphasise how legal production of migrant “illegality” maintains the disposability and vulnerability of migrant labour. Instead, Martina Cvajner and Giuseppe Sciortino describe the condition of undocumented migrants as a form of “inclusion at a higher price” because “there are tenants willing to offer shelter to irregular migrants in exchange for a higher rent, employers willing to hire irregular migrants in exchange for a lower salary or more flexible schedules, brokers willing to provide faked documents or fiscal numbers for a fee. [...] Markets evaluate migrants as economic opportunities: if their irregular status deters some

inclusion rejects the emphasis on exclusion which characterises several analyses in the field of border and migration studies, while at the same time acknowledging “how inclusion in a sphere, society, or realm can be subject to varying degrees of subordination, rule, discrimination, and segmentation” (Mezzadra & Neilson 2013a, p. 159). Therefore, an emphasis on the processes of differential inclusion that traverse the EU reception regime draws attention to the different forms of filtering, subordination, and exploitation through which (rejected) asylum seekers and beneficiaries of international protection are incorporated into European societies despite their legal status.

In all the examples that I mentioned, it is possible to observe dynamics of abandonment, invisibility, and “irregularisation”, even if they operate at different degrees of intensity in each case. Far from limiting mobility, the regime works as a training ground that filters, puts to the test, and toughens up migrants by making their trajectories increasingly more difficult as well as complicating their lives and plans. What is at stake is basically a “de facto process of artificial selection” whose effect is to “sort out the most able-bodied, disproportionately favouring the younger, stronger and healthier among prospective migrants” (De Genova 2015, p. 7). For these reasons, life in the EU reception regime resembles an obstacle course in which features, such as strength, perseverance, wilfulness, contacts, luck and, last but not least, resources, are essential assets. Let me now turn to the broader implications of such a functioning of the regime.

6.3.2. The Strategic Character of the Failure of the EU Reception Regime

To focus on the effects of failure involves what Foucault would define a “strategic analysis” (Foucault 2009, p. 118), that is an analysis that does not assess failure from the point of view of the regime, its expected function and its purported objectives (see section 3.2.). A strategic analysis does not take the EU policy discourse as the starting point of inquiry in order to then understand how it could happen that policies like the Dublin system and harmonisation failed, why they did, and how they can be restored. This would reproduce a teleological narrative according to which these policies are

providers, it induces others to exploit the differential chances for economic gain” (Cvajner & Sciortino 2010, p. 400).

destined to be successful in an indefinite future. Far from being primarily concerned with causes of failure and possible ways to tackle them, a strategic analysis engages with the effects of failure in order to identify their “strategic utilisation” (Foucault 1980a, p. 40), which is to say their capacity to serve purposes that differ from the original ones. As Colin Gordon suggests, the concept of strategy designates a “logically hybrid (and sometimes elusive) function which integrates the production of effects with the utilisation of those effects” (Gordon 1980, p. 252).

A strategic analysis is therefore a type of investigation which shifts attention from the causes of failure to its effects and aims to identify whether a certain kind of intelligibility can be detected within the unexpected outcomes of practices of government. A prominent example of such a form of analysis is offered by Foucault in *Discipline and Punish* (1991a). Here, Foucault investigates the birth of the prison within the broader framework of the evolution of the power to punish and shows how such an evolution reveals a deeper transformation in the exercise of power in Western societies from the seventeenth century onwards. Foucault observes that the failure of the prison to reduce crime has not led to its replacement, notwithstanding the widespread acknowledgement of such a failure. Hence, applying the strategic approach that I sketched out above, Foucault suggests that:

Perhaps one should reverse the problem and ask oneself what is served by the failure of the prison; what is the use of these different phenomena that are continually being criticised; the maintenance of delinquency, the encouragement of recidivism, the transformation of the occasional defender into a habitual delinquent, the organisation of a closed milieu of delinquency.

(Foucault 1991a, p. 272)

Considering that the prison has been maintained despite all these negative effects, he observes that:

One would be forced to suppose that the prison, and no doubt punishment in general, is not intended to eliminate offences, but rather to distinguish them, to distribute them, to use them; that it is not so much that they render docile those who are liable to transgress the law, but that they tend to assimilate the transgression of the laws in a general tactics of subjection.

(Foucault 1991a, p. 272)

In this perspective, he continues:

Penalty would then appear to be a way of handling illegalities, of laying down the limits of tolerance, of giving free rein to some, of putting pressure on others, of excluding a particular section, of making another useful, of neutralising certain individuals and of profiting from others. In short, penalty does not simply “check” illegalities; it “differentiates” them, it provides them with a general “economy”.

(Foucault 1991a, p. 272)

A strategic analysis of the failure of the prison therefore exposes a shift of objectives which underpins its functioning. Indeed, Foucault concludes:

For the observation that prison fails to eliminate crime, one should perhaps substitute the hypothesis that prison has succeeded extremely well in producing delinquency, a specific type, a politically or economically less dangerous – and, on occasion, usable – form of illegality; in producing delinquents, in an apparently marginal, but in fact centrally supervised milieu; in producing the delinquent as a pathologised subject.

(Foucault 1991a, p. 277)

I contend that a similar reversal can also be fruitfully proposed in relation to the failure of the EU reception regime, thereby emphasising how the inability to reduce movements turns out to be useful for *handling* and *using* them. As the prison produces delinquents, the EU reception regime produces specific type of subjects, who tend to be invisible, (quasi-) “irregular”, abandoned, and therefore more precarious, vulnerable, and disposable. In this regard, the previous sub-section emphasised how an important outcome of the functioning of the regime is precisely to complicate movements, rather than stopping them. Such a hindrance takes place through the “illegalisation” of movements, as well as by forcing them to invisibility, extending journeys in spatial and temporal terms, and increasing risks and costs.

By complicating movements and lives, the EU reception regime imposes a “selective non-hospitality” (Van Aken 2008, p. 20), which is meant to prescribe sacrifice and hardship to (rejected) asylum seekers and beneficiaries of international protection. Through such a “selective non-hospitality”, the regime attempts to train them to a subordinated position in the host society and to mould subjects who need to be ready

for anything in order to survive in the regime. Besides that, the “selective non-hospitality” of the regime also works as a filter which serves to identify those migrants who can count on more resources and skills, as they will have more chances to leave the first country of entry. Indeed, the younger, richer, most able-bodied, and healthier are those who have more possibilities to overcome the multiple obstacles imposed by the regime and continue their journey until the final destination.

If one reverses the perspective of analysis as Foucault did in relation to the prison, it is possible to observe how the failure of the EU reception regime to achieve its aims turns out to succeed in doing something else. Unintended, negative effects of the EU reception regime, such as “illegalisation”, invisibilisation, and precarisation, are strategically reinvested by the regime, and re-utilised within a new governmental strategy. Such a strategic utilisation allows the incorporation of asylum in the neoliberal logic of valorisation of mobility. In fact, while asylum has been framed historically in the language of rights and protection, rather than in the language of economic benefit, the failure of the EU reception regime results in a great economic benefit as it creates the conditions for the exploitation of migrants. This happens not only through the valorisation of reception itself that I discussed in Chapter 4, but also through the “illegalisation” of movements and the consequent strengthening of conditions of exploitability and disposability. From the point of view of the logistical rationality that was proposed in Chapter 4, it is possible to observe how the valorisation of asylum seekers continues even at the end of the “reception chain” insofar as the “reception process” produces vulnerable subjects who are forced to do any kind of job, often as undocumented, in order to earn a living.

Therefore, the failure of the EU reception regime seems to serve a different strategy in the broader context of the EU border regime. Indeed, if one considers that the EU border regime is characterised by very limited legal ways to arrive to the EU and very few channels for labour migration, it is evident that the EU reception regime plays a very important role. Precisely, it increases the ranks of a very precarious and disposable labour force, thus satisfying the need for the continuous supply of cheap labour for European economies. In this way, albeit framed in the language of rights, protection, and humanitarianism, asylum is incorporated in a neoliberal logic of valorisation of mobility which aims at producing “economically needed and beneficial

flows out the ‘turbulence’ of unwanted migration” (Mezzadra & Neilson 2013a, p. 179).

Hence, like the prison for Foucault, the EU reception regime works as a *dispositif*, which responds to the need of managing asylum seekers and beneficiaries of international protection in the borderless space created by the Schengen Agreement. While Foucault’s definition of the concept was provided in Chapter 2, it is here necessary to stress the “double process” (Foucault 1980b, p. 195) upon which the *dispositif* is based, as such a process is particularly appropriate for describing the operation of the regime. On the one hand, the *dispositif* is premised upon what Foucault defines a process of “*functional overdetermination*” (Foucault 1980b, p. 195, italics in the original), according to which:

[E]ach effect – positive or negative, intentional or unintentional – enters into resonance or contradiction with the others and thereby calls for a readjustment or a re-working of the heterogeneous elements that surface at various points.

(Foucault 1980b, p. 195)

This process of functional overdetermination describes well what I discussed above as the immanence of failure in practices of government, which prompts the regime to constantly renovate its techniques. On the other hand, there is “a perpetual process of *strategic elaboration*” (Foucault 1980b, p. 195, italics in the original), according to which the unforeseen, negative effects of a *dispositif* are re-utilised “within a new strategy” which turns out to “transform the negative into a positive” (Foucault 1980b, p. 196). This strategic character of the *dispositif* thus captures the productive dimension of the failure of the EU reception regime.

Two key features of the reception *dispositif* need to be stressed before moving on to the Conclusion. The first concerns the *non-unity* of the *dispositif*, that is the impossibility to assume a single logic defining its functioning. Foucault contrasts the logic of strategy to the dialectical one: while the latter emphasises “contradictory terms within a homogeneity that promises their resolution in a unity”, the logic of strategy establishes “the possible connections between disparate terms which remain disparate” (Foucault 2008, p. 42). Accordingly, the reception *dispositif* represents a precise

configuration of power relations, which remains contingent, never fully stable, and therefore always reversible.

The second feature is strictly related to the first one and consists in the *non-subjective* character of the *dispositif*. In this regard, the convergence of the effects of the failure of the regime towards certain objectives should not lead one to think that this is the outcome of a well-defined calculation. Here, my understanding of failure differs from the one proposed by Imogen Tyler in her analysis of British citizenship as a biopolitical regime that is designed to fail in order to legitimise the exclusion of some groups of people as non-citizens (Tyler 2010). Indeed, Tyler interprets failure as an intentional aim of the British government which, from her standpoint, deliberately produces failed citizens to govern them and separate them from successful citizens (Tyler 2010, p. 66). Hence, in Tyler's article, failure is not framed within a strategic analysis like the one proposed by Foucault and discussed above. For Foucault, the strategic intelligibility of unintended effects is not related to "any kind of strategic ruse on the part of some meta- or trans-historic subject conceiving and willing it" (Foucault 1980b, p. 195). In other words, the reception *dispositif* reveals itself a "strategy without a subject", that is "a coherent, rational strategy, but one for which it is no longer possible to identify a person who conceived it" (Foucault 1980b, p. 202-203).

CONCLUSION

If the reception roulette examined in Chapter 5 exposed the failure of one of the two pillars of the CEAS which were discussed in the Introduction – the harmonisation of reception conditions – this chapter moved on to explore the failure of the second pillar, that is the Dublin system. While the latter directly exhibits an attempt to control the mobility of asylum seekers by confining them to the first country of entry, the former indirectly aims to limit movements by harmonising reception conditions across the EU. Hence, one could argue that it is no surprise that the failure to create a level playing field paves the way to a resulting failure to contain asylum seekers in the first country of entry.

However, even if it is certainly sensible to believe that the unevenness and fragmentation which characterise the space of the CEAS in terms of reception

conditions and future possibilities promote mobility, rather than the contrary, such an explanation is not supported here. Indeed, this explanation reduces movements to mere reactions to external and structural factors which are believed to mechanically drive asylum seekers' decisions. On the contrary, in line with the perspective of the autonomy of migration, this thesis acknowledges and assigns a primary role to subjective desires, reasons, and expectations which inform decisions to move. In this perspective, even a fully harmonised space, whose feasibility was anyway called into question in Chapter 5, would not be able to reduce movements, as they are considered inherently excessive and always escaping a complete control.

Following this approach, the chapter began by emphasising the excessive character of movements which subverted the Dublin system before and after the “refugee crisis”. In particular, the first section explored several forms of mobility which occurred through and from Italy in recent years. While some of these movements were visible forms of mobility, as in the examples of transit through Catania, Rome, Milan, Brenner and Ventimiglia, others were described as imperceptible, like post-recognition “secondary movements”. Both forms of mobility were presented as struggles against the politics of mobility imposed by the EU reception regime. Accordingly, the regime was described as a field of struggle in which excessive movements constantly elicit a refinement of strategies of control.

The second section moved on to analyse a key response adopted by the EU in the wake of the European Agenda on Migration to tame such excessive movements: the hotspot approach. However, the section showed how such measure, in its initial experimental phases in Sicily, proved to be inadequate to limit movements as it rather worked as a device of “illegalisation”. The section thus used this example to stress that failure is both part and parcel of government and productive insofar as it creates the conditions for further interventions.

Building on such productive dimension, the last section explored the effects of the failure of the regime to limit movements, which consist in an “illegalised” mobility that fosters invisibility, disposability, exploitation, and vulnerability. By proposing a strategic analysis which follows the one adopted by Foucault in *Discipline and Punish* (1991a), the section observed how the failure of the regime to limit movements turns

out to assure an unlimited supply of cheap labour. In this way, reception is adjusted to the neoliberal logic of valorisation of mobility which informs the EU politics of migration management.

CONCLUSION

This thesis has told the story of multiple failures which affect the EU reception regime. In order to examine this, Chapter 1 situated the study within existing debates, Chapter 2 introduced the elements of the Foucauldian toolbox needed for the investigation, and Chapter 3 further specified the mode of analysis resulting from the theoretical foundations of the research. The mode of analysis was then utilised to examine the empirical material and this led to the identification and discussion of the multiple failures which were mentioned above. In particular, Chapter 4 explored the failure to provide decent reception conditions to all asylum seekers, Chapter 5 investigated the failure to create a level playing field in which asylum seekers are treated equally and fairly regardless of the place of reception, and Chapter 6 finally examined the failure to confine migrants to the first country of entry.

It is therefore possible to observe that failure does not only represent a key aspect in the government of asylum seekers, alongside logistics and differentiation, but it is rather an analytical angle which I adopted throughout the thesis thanks to its dominant role within the regime. In this respect, by paving the way to processes of dehumanisation, the logistification of reception exposes the failure of the regime to treat asylum seekers as human beings, while differentiation arises from the failure of the regime to provide equivalent reception conditions all over the EU.

While delving into these failures, the thesis also pointed out the continuity which has marked the policy framework of the regime despite the introduction of new measures which were explicitly intended to tackle its imperfections. As stressed in Chapter 5 and 6, respectively, neither relocation mechanisms nor the hotspot approach undermine the paramountcy of the two main pillars of the regime which were presented in the Introduction: the Dublin system and the policy of harmonisation of reception conditions. Far from creating the space for a change, what are presented as reforms seem rather meant to preserve the two pillars and reconfirm their feasibility by projecting their fulfilment to an indefinite future. It is precisely the acknowledgement of this continuity, or *obstinacy* as I defined it in the Introduction, which prompted my research and it is therefore worth to return to this issue in order to develop some concluding reflections.

The obstinacy by which the EU reception regime has continued to seek to govern asylum seekers through the Dublin system and the policy of harmonisation of reception conditions was explored through a strategic analysis, resembling the one proposed by Foucault in *Discipline and Punish* (1991a). Such an analysis underscored how the failure of the regime to limit movements, which is the underlying objective of both the above-mentioned pillars, serves an important strategic function in the broader EU politics of migration management. Indeed, the failure of the EU reception regime to limit the mobility of asylum seekers and beneficiaries of international protection turns out to promote “illegalised” movements, which in turn make those who move more liable to invisibility, exploitation, disposability, and vulnerability. In this way, it was argued, the EU reception regime works as a complex filter which selects, trains, and differentially includes all those who travel “illegally” to the EU, thereby assuring an unlimited supply of cheap, precarious, and vulnerable labour for member states’ economies. Ironically, contrary to accounts which present asylum seekers as a *burden* to be reduced and shared between member states, such a filtering operation is based on a growing reception industry from which many actors have increasingly benefited from, except asylum seekers, as stressed in Chapter 4.

While the functioning of the EU reception regime that is exposed by the strategic analysis proposed in Chapter 6 represents the core argument of the thesis, the thesis made three main contributions to knowledge which I would like to emphasise. The three contributions can be defined as an empirical contribution, a theoretical contribution, and a political one. By discussing each type of contribution, I highlight other key claims which were made through the analysis, while also stressing the contributions made to academic debates.

Empirical Contribution

The thesis offered a rich empirical study of some key aspects concerning the reception of asylum seekers in diverse contexts in Italy and Sweden. Besides analysing policy documents, reports, press releases and speeches, the research drew from 30 interviews with a range of different actors, including activists, civil servants, NGO workers, and volunteers. Fieldwork material included first-hand information on recent

developments of EU asylum policy, such as the implementation of the hotspot approach in Italy, as well as emerging trends which have acquired increasing relevance in this field in recent years. As an example, these trends include: the diffusion of emergency reception measures, the struggles against fingerprinting, the various forms of transit and the informal forms of support provided to those *en route*, and the strengthening of border controls in some strategic sites of the EU reception regime.

This empirical research situates the thesis within academic work studying reception practices, which was reviewed in Chapter 1. I contrasted this work with another strand of literature which was defined as formal approaches to the study of reception. While the latter rests on the legal definition of reception and consequently interprets reception as a fixed procedure, the former understands reception as a practice and thus emphasises its contextual, relational and asymmetrical character. In line with studies of reception practices, the thesis argued that reception is a social practice which takes shape in the interaction between asylum seekers and those who deal with them as well as being context-specific and traversed by asymmetrical power relations. Such an understanding of reception drew attention to what I called the excess of reception, meaning its multiple and heterogeneous forms which escape attempts at harmonisation. In this way, the thesis suggested that the harmonisation of reception conditions is an inherently flawed project, thus exposing the limitations of calls for a heightened harmonisation, a more effective implementation, a fairer distribution of asylum applications, and an unambiguous wording of the definition of reception conditions. As I stress below, the question of the reception of asylum seekers needs to be posed in other terms.

While the empirical investigation is one of the key contributions of the thesis, it also shows some of its limitations. I would like to underline three limitations in particular. As concerns the first, while migrants' voices would have added to this work, I did not include them because of the reasons discussed in the Introduction, which concern issues of research fatigue, objectification, and exploitation. In particular, I stressed the ethical and political problems posed by interviewing subjects who are repeatedly required to provide information about themselves and their stories throughout the whole asylum process. Accordingly, even if migrants' stories would have offered first-hand information on the strategies adopted to navigate the interstices of the regime, it

was possible to access migrants' practices and resistance against the EU reception regime through interviews with activists and volunteers. Furthermore, as I emphasised in the Introduction, the stories of those I met during my previous work experience were essential for developing this research without subjecting other migrants' to yet another interview.

The second limitation concerns a slight asymmetry in the empirical material mobilised for the analysis, which sometimes might give an impression that I have privileged the Italian situation. While this is to some extent understandable given my greater experience of the Italian context, it is also the result of the specific role played by Italy within the regime because of its geographical position and the centrality given to such position by the Dublin system. Indeed, phenomena like the struggles against fingerprinting, the trajectories of transit combined with the forms of support and increased border controls which followed them, the management and distribution of migrants during and after disembarkation are certainly issues for which Italy represents a privileged standpoint. However, if on the one hand I tried to highlight connections and combine examples from both countries to move beyond a national frame of analysis; on the other hand, I stressed how issues which appears eminently national are instead always-already informed by EU-wide dynamics. In this way, a slight empirical imbalance should not weaken the claims advanced by the thesis and rather respond to a specific contingent configuration of the regime.

The third issue is more of a difficulty which I came across during the research, rather than a limitation as such. It concerns the shifting and fast-changing nature of this field of study. Indeed, the EU reception regime is always *in progress*, even if not in the teleological sense which characterises institutional discourse and formal approaches, as it was stressed in Chapter 2. The continuous movement of the regime is rather the result of a patchy succession of reforms, new measures, and adjustments, which only give an impression of progression but lack any precise orientation. Undoubtedly, such a feature of the regime has been particularly heightened in recent years with the "refugee crisis", the resulting European Agenda on Migration and important asylum reforms both in Italy and in Sweden.¹³⁹ For these reasons, it was particularly difficult

¹³⁹ I refer in particular to the legislative decree 142/2015 which modified the Italian asylum law by transposing RCD 2013 and the recast asylum procedure directive, and the Law (2016:752) concerning

to find the right balance between keeping up to date with all the latest news and maintaining the distance, or “untimeliness” as Paul Rabinow defines it (Rabinow & Marcus 2008, p. 58), which is necessary to scrutinise issues, reflect on them, and test possible interpretations through in-depth study.

In order to provide the necessary depth of analysis, I chose an end date for the study and I have not included new policy measures and reform proposals since that date in the investigation. The last policy act that is analysed here was the proposal on the reform of the Dublin III regulation, which was presented on 4th May 2016 (European Commission 2016b). This decision follows from the research process given that the last interview was made in February 2016 and transcriptions were completed in April 2016. In this respect, empirical material covers a time frame which goes in broad terms from the summer of 2014, as some interviews focused on issues referring to that period, to the spring of 2016. Besides that, some insights from my previous work experience were discussed, which therefore concerned the period January 2011 to May 2013. Aside from some minor updates in footnotes to provide contextual information since May 2016, this is period studied in detail in this thesis.

Theoretical Contribution

The thesis made a theoretical contribution in showing how the Foucauldian toolbox, and in particular his reflections on power, governmentality, and resistance, which were reviewed in Chapter 2, can be productively mobilised for the study of the reception of asylum seekers. Combining a mode of analysis informed by the perspective of governmentality with a regime analysis, as specified in Chapter 3, this research contributed to the field of critical migration studies by exploring the role of reception within the EU border regime. In particular, the thesis introduced the notion of EU reception regime to describe the complex formation of multiple and heterogeneous actors, practices, and rationalities involved in the government of asylum seekers in the EU. The EU reception regime, it was argued, is not driven by an intentional and dominating rationality, and it is rather the contingent and always reversible result of a

temporary restrictions on the possibility of obtaining a residence permit in Sweden. For a brief overview of the Swedish asylum reform, see footnote n. 83, p. 132.

succession of adjustments which do not follow a coherent plan but have nonetheless an overall intelligibility at the level of their effects.

The theoretical contribution made in the thesis can be summarised in three key points. First, abandoning what Foucault would call a “juridico-discursive” (1978, p. 82) approach to reception, the thesis defined reception as a form of government, thereby drawing attention to the multiple forms of power through which asylum seekers are conducted in the regime. In this way, the study of reception was situated in a broader field of power relations, in which the institutional provision of reception measures is only one aspect. Besides allowing an acknowledgement of the wider context in which reception takes shape, this approach focused on aspects which tend to be neglected in the literature. These aspects include for example: the long-term implications of contexts of reception, the organisational machine that is arranged to move asylum seekers from disembarkation points to reception centres as well as between centres, emergency reception facilities, and informal forms of support. In other words, far from taking for granted the meaning and function of reception, as a set of rights and services corresponding to the definition proposed by RCD 2013 and intended to provide decent living conditions to asylum seekers, the thesis instead explored reception as the effect of multiple practices and processes.

Second, the analysis of the empirical material led to the identification of three modes of governing asylum seekers which have a particular relevance in the current conjuncture. These modes of governing asylum seekers are logistics, differentiation, and failure, and they transform the regime into a reception industry, a reception roulette, and a reception *dispositif*, respectively. Logistics denotes an increasing importance of organisational and operational concerns in the management of asylum seekers, which pave the way to processes of dehumanisation as well as promoting the commodification of reception. Differentiation designates a mode of governing asylum seekers which is based on the arbitrary multiplication of trajectories, conditions and future possibilities, thus drawing attention to the spatial and temporal dimensions at stake in the management of asylum seekers. Failure reveals how the inability of the regime to achieve its objectives works as a perpetual incentive to reform mechanisms of government, which nonetheless serves the purpose of maintaining the overall architecture of the regime.

Third, the EU reception regime was described as a field of struggle which is traversed by excessive movements that prompt a constant refinement of mechanisms of capture. By understanding movements as forms of struggle against the politics of mobility imposed by regime, the thesis contributed to the literature on the autonomy of migration and emphasised the subjective dimensions of migrations. Accordingly, migrants were not considered passive objects of policy which can be smoothly managed through measures like the Dublin regulation, relocation mechanisms, and the harmonisation of reception conditions. Far from that, the thesis stressed the ungovernable character of migration by highlighting how governmental mechanisms of control do not stop movements, but rather make them more risky, costly, and “illegal”. Hence, if above I stressed the flawed character of the attempt to harmonise reception conditions which stems from the excess of reception, the excessive character of movements discussed here exposes the inevitable failure of the second pillar of the regime, that is the Dublin system.

Through these contributions, the thesis sought to provide an analytical framework for the study of reception in the EU which can be developed in several ways, thus pointing to possible future lines of research. First, a similar study could be undertaken in other local contexts in order to test the validity of the arguments proposed here. It would be important to verify whether the trends that I identified concern other locations as well, as this would either strengthen the relevance of the three abovementioned modes of governing through the addition of further empirical material, or call for their problematisation and replacement.

Second, the discussion of logistics, differentiation, and failure highlights several specific aspects of the EU reception regime which require further attention. For instance, the commodification of reception and the features of the reception industry are a research field that is full of potentialities. Similarly, the analysis of differentiation highlighted the need to study the long-term trajectories of asylum seekers by focusing for example on the forms of support provided after the granting of protection as well as on the mainstream welfare measures to which beneficiaries of international protection are entitled in different contexts in the EU. The emphasis on the key role of failure in the functioning of the regime calls for following the new and sometimes subtle strategies of mobility performed by migrants and the consequent responses of

the regime. If movements are ungovernable, as the thesis argued, situations like those in Brennero, Catania, Milan, Rome, and Ventimiglia are destined to reappear in different forms in other locations.

Third, the study of the EU reception regime needs to keep up with the fast-changing nature which was mentioned above. Accordingly, the validity of the claims that I proposed should not only be tested *in space* – by extending the geographical scope of the research – but also *in time*, through the updating of the analysis. This means that this study could be productively updated through an exploration of the effects of measures like the hotspot approach and the relocation mechanisms in the longer term. At the same time, the reform of the CEAS is under way and future investigations could verify whether the continuity of the regime which I stressed is going to be maintained.

Political Contribution

The third type of contribution, which I defined as political, is a consequence of the approach to the study of reception that was just sketched out. Indeed, the thesis contributed to the debate on the reception of asylum seekers in the EU by placing an emphasis on the productive dimension of the failure of the two pillars of the CEAS which concern reception. By pushing the analysis beyond the institutional dimension of reception and identifying connections between diverse contexts, the thesis offered a fresh perspective on the mechanisms through which asylum seekers are governed in the EU. In this way, this investigation exposed the limitations of critiques which connect an improvement of the conditions of asylum seekers with progresses in terms of harmonisation, implementation, transposition, or with a better definition of reception conditions. Even if advances in these respects might have some positive effects, they would not undermine the underlying principles upon which the regime is based. Indeed, if a key outcome of the regime is to “illegalise” movements while also making them profitable, then analyses like those mentioned above miss the target as the critique needs to consider the broader EU management of mobility and its role within capitalism.

By emphasising the role of reception within the EU politics of migration management, this thesis lays the foundations for a wider and radical rethinking of the current

framework. Indeed, the functioning of the EU reception regime as a tool for ensuring the submission and disposability of incoming migrants draws attention to the need to call into question the whole paradigm of migration management that is currently informing EU policies, including the very distinction between “forced” and “labour” migration. Such a rethinking inevitably requires further investigations which analyse the EU border regime from other vantage points, such as the management of entries in the EU that is organised around the politics of visas, the channels of regularisation once in the EU and the management of intra-EU mobility.

While I have to defer to future research endeavours for a more comprehensive attempt to rethink the EU politics of migration management, I would like to conclude this thesis by highlighting a couple of “tactical pointers” (Foucault 2009, p. 3) which expose a space for intervention in the current situation. As I stressed in the Introduction, the changes that I am going to suggest here do not overturn the existing framework, but they would begin to erode the continuity characterising the rationale of policies in this field that was highlighted by the thesis. These changes, I contend, would reduce the negative effects of the EU reception regime in terms of invisibilisation, abandonment, “illegalisation” and dehumanisation.

First, the excess of reception combined with the excessive character of movements make clear that any measure which attempts to impose the place of reception on asylum seekers is destined to fail. In this respect, the only way to stop “secondary movements” is to nullify such category by giving asylum seekers and beneficiaries of international protection the freedom to choose where to live in the common area of protection. In this way, the adjective *common* would not merely concern the management of the reception of asylum seekers as a problem, but it would denote a truly common and open space from the point of view of asylum seekers.

Taking into account the long-term implications of reception which were discussed in Chapter 5, such a freedom of choice should not only concern the place in which to lodge the asylum claim, but also the place in which to settle after the grant of protection. In this regard, the mutual recognition of positive asylum decision would surely be a step forward in the same way as the requirement for all member states to guarantee post-recognition support measures to all beneficiaries of international

protection. I contend that these three changes – the possibility to choose where to lodge an application by asylum seekers, the mutual recognition of positive asylum decisions, and the guarantee of some type of support after the positive decision – would make the idea of a common area of protection more credible.

Second, the thesis drew attention to the entanglement between reception and the context in which it takes place, thus stressing the impossibility to detach the provision of reception from the broader social, healthcare, housing, and labour policies which constitute its setting. This investigation therefore emphasised the unlikelihood of providing equivalent reception conditions in a space which is substantially uneven and fragmented like the EU. Reception conditions might even be equivalent in terms of rights and services provided in reception facilities, but the overall treatment and experiences of asylum seekers are contingent upon the more general conditions of the context of reception. In this respect, the attempt to create a common area of protection needs to be accompanied by a corresponding effort to reduce the unevenness which characterises the EU. This involves aiming for a greater convergence between cities, regions, and countries within the EU, in terms of welfare measures, levels and conditions of employment, healthcare policies, and housing standards. For example, this could be achieved by defining universal EU-wide forms of social protection, such as basic income, social housing, child, sickness, and unemployment benefits, with the goal of redressing the negative effects of the market.

In other words, the idea of a common area of protection is incompatible with the “neoliberal geographies of uneven development” (Brenner 2003) upon which the EU is based. As Costis Hadjimichalis observes, the “unevenness over space” which informs the EU “is not a mere sidebar to how capitalism works, but is fundamental to its reproduction” (2011, p. 255). In this perspective, this study of the reception of asylum seekers in the EU does not only prepare the ground for a radical rethinking of the EU politics of migration management, but also for a critical reflection on the neoliberal project which underpins the EU. Indeed, if the functioning of the EU reception regime exceeds the mere issue of provision of reception and turns out to serve the needs of capital through the valorisation of “illegalised” mobility, then critiques and struggles against the regime must necessarily assume the capitalist organisation of the EU as a key target. In this way, a critical examination of the

difficulties related to the creation of a common area of protection provides an entry point for imagining a fairer and more equitable EU, for asylum seekers and for everybody.

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List of Interviews

- Interview 1: Interview with a *Migrationsverket's* reception officer, 12 January 2015.
- Interview 2 and 3: Interview with two activists, 13 January 2015.
- Interview 4 and 5: Interview with two NGO workers, 13 January 2015.
- Interview 6: Interview with a *Migrationsverket's* reception officer, 14 January 2015.
- Interview 7: Interview with a *Migrationsverket's* reception officer, 14 January 2015.
- Interview 8: Interview with a *Migrationsverket's* team leader, 14 January 2015.
- Interview 9: Interview with a team leader from *Arbetsförmedlingen*, 15 January 2015.
- Interview 10: Interview with a *Migrationsverket's* reception officer, 15 January 2015.
- Interview 11: Interview with a *Migrationsverket's* reception officer, 16 January 2015.
- Interview 12: Interview with a case-worker from *Arbetsförmedlingen*, 16 January 2015.
- Interview 13: Interview with a case-worker from *Arbetsförmedlingen*, 16 January 2015.
- Interview 14: Interview with a *Migrationsverket's* reception officer, 19 January 2015.
- Interview 15: Interview with a *Migrationsverket's* reception officer, 19 January 2015.
- Interview 16: Interview with a team leader from *Arbetsförmedlingen*, 21 January 2015.
- Interview 17: Interview with a governmental official in a *Prefettura*, 20 August 2015.
- Interview 18: Interview with an activist, 20 October 2015.
- Interview 19: Interview with a lawyer working in a SPRAR project, 21 October 2015.
- Interview 20: Interview with an NGO worker, 23 October 2015.
- Interview 21: Interview with an activist, 26 October 2015.
- Interview 22: Interview with an activist, 27 October 2015.
- Interview 23: Interview with an NGO worker, 29 October 2015.
- Interview 24: Interview with an NGO worker, 30 October 2015.
- Interview 25: Interview with an NGO worker, 9 November 2015.
- Interview 26: Interview with a volunteer, 22 December 2015.
- Interview 27 and 28: Interview with two volunteers, 22 December 2015.
- Interview 29: Interview with the director of a reception centre, 6 January 2016.
- Interview 30: Interview with a social worker, 13 February 2016.

All interviewee information has been kept anonymous. As I stressed in the Introduction, the exact place of each interview is not disclosed in order to avoid the identification of interviewees, even from their own organisation.