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Deportation, smart borders and mobile citizens: Using digital methods and traditional police activities to deport EU citizens

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Taking the case of Romanian citizens in France, this article documents and analyses the digital methods and traditional police activities used for the deportation of EU citizens across the Schengen border and within EU territory. EU laws and Schengen regulations support states' implementation of high-tech methods in migration governance and police work. Our fieldwork, conducted with several police units in France and Romania, indicates a gap between the claimed 'controlled' management of mobility through crimmigration and the actual messiness at the Schengen border as a result of policy implementation limitations (lack of legislative adjustment to digital demands), poor administration (training of border agents, allocating resources) and political decisions (harmonisation or competing narratives). Despite the promotion of cutting-edge technologies in the deportation process, traditional techniques as well as paperwork remain relevant. This raises questions regarding the articulations of traditional techniques with highly promoted control technologies. While the latter has modified the functioning of the deportation process, these changes do not necessarily make the former useless. In practice, this work is left to the discretion of police officers and ground-level bureaucrats who interpret, create and enforce norms and regulations in the name of 'the rule of law'.

Key words: digital technologies, migration, citizenship, borders, Schengen

Introduction

Two phenomena have encouraged policies of strengthening the EU border regime: the inclusion of East European countries in the EU (Scott 2016; van Houtum and Pijpers 2007), and the so-called 'crisis of migration'. These have led to a growing investment in soft power as a mean of controlling EU frontiers (Dijstelbloem and Meijer 2011; Guild and Carrera 2013; Lehtonen and Aalto 2017). The Eastern enlargement and integration processes and the reinforcement of Europe's external borders have the effect of re-territorialising borders in the EU (Marcu 2016; Amilhat-Szary and Giraut 2015). The implementation of 'EU smart borders' programs for EU external border control now informs policies, tactics and strategies for managing migration. The 'crisis' in migration management shifts politics towards the criminalization of foreign nationals and the reinforcement of border control with high-tech police work and detention facilities (Bosworth et al. 2018; Hasselberg 2016). In particular, border control has increasingly become a domain of criminal law enforcement (Aliverti and Bosworth 2017; Eagly 2017), where border police or related agencies execute migration control activities along the lines of race, citizenship, gender and neo-colonial relations of power (Weber and McCulloch 2018). Crimmigration at the border, shaped by the workings of state agents as well as by digital technologies and data collection, contributes to the expansion of police power beyond the state laws (Brouwer et al. 2017; Zedner 2019). Scholars have shown how 'the space of legality determining the irregularity of the foreigner is no longer so central at times of justifying controls and surveillance' (Carrera and Hernanz 2015, 77), and that, paradoxically, any foreigner becomes a potential overstayer, criminal or illegal immigrant. At the same time, as the EU fortifies and strengthens police forces on its external borders it also suffers a 'centripetal' effect in the form of increased policing, control and surveillance of its own population (van Baar 2014).

This article questions and problematizes the use of digital technologies and non-digital methods in policing EU citizens and alleged foreign criminals on French territory and across the internal Schengen border in Romania.¹ It analyses the practices of public servants and police officers in France and in Romania, who selectively use paper-based and digital documents in their daily work. From police surveillance and deportation practices in France to the operating data of the national police and Schengen

Information System (SIS II) programs at the Romanian border, conventional and digital-based methods merge in policing practices geared towards the deportation of EU citizens. The selective usage of analogue techniques, bureaucratic rules and digital technologies is left to the discretion of police officers and ground-level bureaucrats who interpret, create and enforce norms and regulations in the name of ‘the rule of law’ (Sklansky 2012; Zacka 2017).

Focusing on the role of digital technologies in managing mobility in France and deportation at the intra-Schengen borders and across EU territory, this article addresses the following questions: How do street-level bureaucrats and police officers use digital tools when they work for/against the deportation apparatus? How is policing affected by the application of digital tools against allegedly irregular mobile EU citizens?

This article aims to provide insights into Franco-Romanian police institutional collaboration and individual discretionary power in using digital tools and paper-based documents while dealing with deportable/deported Romanian citizens. In the first section we pin down the theoretical framework that allows us to analyse our complex and multi-sited fieldwork. We explain the relation between crimmigration (Stumpf 2006) and smart borders in the context of deportation processes to emphasize a new understanding of the state, policing and mobility. Next to the literature debates, we give a full account of the research methodology. In the following section we lay out our empirical data. We contextualize the collaboration between France and Romania, pointing to how France’s interest in deporting Roma ethnics requires maintaining good relations with Romania. Then, we describe the procedures and challenges that the Romanian border police face at the internal Schengen border, where deported Romanian citizens arrive. In the fourth section, we present a synthesis of the two previous empirical explorations, pointing to the distance between actual practices mixing traditional work and digital methods, and expectations that work practices will be transformed in order to implement smart border-related practices that put digital tools at the core of deportation procedures.

1. Smart borders and crimmigration: A new way of questioning mobility

A recent and significant body of literature addresses the usage and interference of digital tools in police practice (Frois and Machado 2016; Rogers and Scally 2018; Bullock

2018). It also makes recommendations for how the technologies should be regulated, both at the national and international level (Koops 2006). Specifically, scholarly debate on the topic of digital technologies engages in border studies and global policing literature by emphasizing the role of technologies in managing irregular migration (Andersson 2016; Casella-Colombeau 2019). On the one hand, despite the development of digital and biometric tools for controlling borders and the movement of people from and to Europe (Sontowski 2018), nation-states preserve competing political narratives on assimilation, harmonization and compliance with international norms on border security (Eule et al. 2017; Slominski and Trauner 2018). On the other hand, literature on policing has emphasized the growing role of technological devices, especially CCTV (closed-circuit television) and DNA databases, in the modernization and development of policing activities around the world (Frois and Machado 2016). While scholarship on migration and mobility has tackled the role of technology for people on the move and how they interact with digital tools (Oiarzabal and Reips 2012; Dekker et al. 2016; **Nedelcu and Soysuren 2020**), we focus on state practices of operating paperwork and advanced technologies within the deportation process (Walters 2018), and interrogate the (racist) ideology behind the ways in which technologies are put into practice in managing intra-EU mobility (Dijstelbloem and Broeders 2015).

Scholars pay increasing attention to the policing of 'irregular' migrants and poor mobile citizens as a form of internal border control with the end goal of bureaucratic exclusion and deportation (Kalir 2019). Studies have focused on the ways in which states apply a distinction between 'good' and 'bad' migrants (Andrews 2017), and how migration laws are immersed in the police practice of 'stop and search' and ethnic profiling (Aliverti 2019; Kiani and Purkhaghan 2016; Parmar 2019). In explaining migration management through border control and security, scholars have tackled the issue of re-bordering Europe while implementing e-borders and the control of movement through practices of classifying and categorizing mobilities (Carrera and Hernanz 2015; van der Woude 2018). The externalization of borders changed the nature and composition of border security, stimulating investment in strengthening borders with new technologies of e-borders. At the same time, the proliferation of state-to-state cooperation and practices of operating on another state territory with

the purpose of controlling migration have proved an efficient means of consolidating border control in Europe (Vrăbiescu 2019c).

EU smart borders transform surveillance and control. Carrera and Hernanz (2015) discuss the 'EU smart borders' legislation that is materialized in the Entry/Exit system and Registered Travellers Programme. These technologies have changed the traditional ways in which mobility and identity control are carried out in the Schengen area, and they heralded a shift from controlling 'unwanted irregular immigrants' to recording and categorizing any foreigner crossing the border with the 'generalized suspicion of future irregularity of stay in Schengen' (Carrera and Hernanz 2015, 80). Bigo et al. (2012, 37) argue that in addition to 'automated data collection and processing at border-crossing points, the concept of "smart borders" also encompasses the introduction of detection technologies aimed more broadly at preventing unauthorised entry and residence'. As technologies work for deterrence rather than as an absolute security provider, EU smart borders direct much mistrust towards the traveller, the foreigner who crosses the border. In addition, biometric surveillance augments the power of border guards, allowing suspicion to be played out in the case of the EU citizen border crosser.

Smart borders and new technologies also transform practices and behaviors at the border. Allen et al. (2017) show how the assemblage of conditions, objects, institutions, laws and agents determines the ways in which technologies are used at the border (Scheel 2019). The e-borders became the organizing condition for understanding how technologies, data and human decisions relate to one another. At the same time, the shifting of EU border control towards a centralized police organization across Europe challenges practices at the borders: e-borders collect, analyse and provide data on individuals. This procedure should respect nation-state legislation on the protection of data, while encouraging the transnational harmonization of policing.

The Return Directive (2008/115/EC), Schengen Agreement and the Dublin III Regulation represent the EU legal framework for enabling the deportation of migrants, including within the EU territory. Police practices at the EU border are anticipated to merge towards a common structure that makes use of the large-scale data and control technologies used in managing border security. Karanja (2008) teases out how data use

for border control is limited by national data protection laws, and thus the Schengen system cannot be used as much as international police organizations would initially have intended. The Schengen system emphasizes the shift from national authority over mobile subjects towards international mechanisms for large-scale data analysis. However, technologies acquired by each member state face different stages of implementation, and border security procedures still lack harmonization (Hampshire 2016).

2. Methodological framework and the Franco-Romanian case study

This article is based on polymorphous engagement and multi-sited fieldwork (Gusterson 1997) conducted in France and Romania over eight months between 2016-2017. The research focused on the deportation apparatus, which includes state institutions, NGOs, judges, lawyers, interpreters, private actors and independent individuals. The methodological complexity of obtaining access to fieldwork, research design and data gathering has been insightfully discussed (Vrăbiescu 2019b). Out of rich data, we focus here on the practices and usage of technologies in the daily work of police officers and civil servants.

We explore data gathered from the French police liaison officers and the border police officers at the Otopeni Airport in Bucharest where the deported Romanian citizens arrive. In France, we conducted twelve interviews and two focus groups with Romanian liaison police officers. We draw upon field notes from one day of participant observation at a police station in France, two interviews with representatives of the French police in Romania, and four with high-ranked civil servants in the Ministry for the Interior and prefectures. In Bucharest, we had three meetings with high-ranked officers in the Ministry of Interior and police organizations; we did six days of participant observation at the border police unit in Otopeni (the main aerial entry point into the Romanian territory), and we also collected eight interviews (out of which one interviewee was female) with border police officers and agents.

Importantly, this article points to the approach of French and Romanian authorities when dealing with deportable Romanian citizens, mainly of Roma ethnicity. France deports Romanians on the basis of their citizenship, grounding its arguments in the irregularity of their intra-EU mobility, but the background of identifying them as

such entails a more complex system of racialized state practices and categorization (Vrăbiescu 2019a, 2020). Governing the mobility of EU citizens through evictions and deportations permits what otherwise might be considered futile police action and reveals the limits of the EU principle of the freedom of movement. In fact, the securitization of Roma ethnics led to a sustained campaign of camp evictions in which populations designated as 'Roma' by the French government were targeted first for 'voluntary' return programs, then for the regular issuing of deportation ordersⁱⁱ (Ram 2014). France's actions were contested by NGOs who petitioned against discriminatory policies against Roma, but never got any legal or political support from the EU (EC/837/2013, PE/578/2015).

Under this constellation, the particularity of the Schengen border within the EU territory needs further explanation. Romania is a non-Schengen EU state that is allegedly in compliance with technical requirements (Pascouau 2014; McCabe 2016; EC Report 2017), border legislation and the implementation of the integrated system of data sharing (Cornelisse 2014). The Schengen agreement requires states to fulfil socio-political and economic standards to be able to implement technological and procedural harmonization at the EU external borders (Alkopher and Blanc 2016; Kasperek 2016). It encourages transnational police collaboration and the reinforcement of external border control (Geyer 2016). Transnational police collaboration focuses on alliances for border surveillance at the Schengen border as a point of entrance, and cooperation in criminal justice matters (Lukic 2016; Meško 2017). In addition, the transnational police framework for collaboration facilitates joint missions of national police structures (within EUROPOL and INTERPOL) and contributes to a common police force such as FRONTEX.

3. Selective use of technologies in the territory and across the borders: Insights from research data

Insights from the Franco-Romanian case reveal the dynamics between different forms of administrative exclusion and the procedures deployed at the intra-EU Schengen borders. These administrative processes initiated in France against mobile EU citizens, such as Romanians, have consequences at the intra-EU Schengen border, namely reifying it and highlighting its importance for deportation. Nevertheless, procedures of

administrative exclusion meet no opposition at the Romanian EU-Schengen border, but rather activate an increased policing of the deportees who are Romanian nationals. The following sub-sections will demonstrate the entanglement of two policing practices against mobile EU citizens: on the French territory and at the intra-EU Schengen border in Romania.

3.1. From paperwork to digital record: excluding the unwanted citizen

The empirical data show that police criminal procedures are contentiously entangled with new technologies for identification, control and regulation within the deportation process. The random policing allows officers to use several tools to identify criminals and suspect mobile citizens. This provokes inevitable frictions between the usage of traditional methods and digital tools of control. One can consider these frictions as change markers or indicators towards more 'technological' deportation processes, but they do not necessarily foretell the disappearance of 'traditional' techniques. These frictions suggest that structural factors, rather than random contingencies, facilitate the deportation of poor EU citizens. Instead of random acts such as racist profiling in police work or the discretionary power of street-level bureaucrats, this study shows the relevance of structural violence against EU citizens, such as the decision by the prefecture to issue deportation orders and administrative interdiction (IAT).ⁱⁱⁱ

Directive 2004/38/EC on the rights of EU citizens and their family members to move and reside freely in the territory of member states forbids the automatic expulsion of EU citizens. In France, state practices of the eviction and expulsion of Romanian citizens apply technologies to the purpose of recording, categorizing and policing. The French police prefer digital tools over paper-mediated documentation, viewing them as easier to use and more efficient. However, paperwork and paper-mediated documents remain essential for building cases against Romanian citizens in France.

France privileges an administrative path to facilitate migrants' deportation to Romania over pursuing criminal charges. In addition, the increased work involved in policing foreign petty criminals motivates the authorities to push them through the administrative system with the aim of deportation. Deportation is the ultimate outcome of the administrative decision of exclusion that require police activities of

controlling, identifying and arresting deportable migrants. To achieve this, institutions manipulate technologies that play an important role in enabling police work, restricting the communication and mobility of destitute EU citizens and facilitating deportation. State investment in building the 'administrative file' of targeted Romanians is indicative of the efforts that the authorities will go to in order to deport EU citizens while avoiding the criminal justice system (by law, a convicted criminal should be incarcerated and/or released on French territory).

The French authorities deploy strategies of policing 'irregular' Romanian citizens on the streets and in 'Roma camps,' administratively detaining people who are accused of misdemeanours but who have not been convicted, and deporting these suspicious EU citizens across the Schengen border in the same way as any other third-country national. The well-known state-led securitization of Roma migrants has maintained and reinforced forms of exclusion of vulnerable migrants, as well as recurrent practices of issuing on-the-spot of deportation orders. Each eviction has a direct consequence for migrants' mobility, forcing people to leave French territory or risk being detained (deportation order with delay). Romanian citizens are often deported for petty criminality without a criminal conviction. In doing so, the French state sometimes does *not* use advanced technologies for recording, communicating and policing deportable EU citizens to facilitate their deportation.

Fischer and Darley note that 'the administrative control of foreigners on one hand and the management of the criminally delinquent on the other, although differentiated, were never totally separated' (2010, 7). Administrative penalties^{iv} are more efficient than criminal sentences, despite that the former require a high investment in building up administrative files, which include creating both digital and paper records, and risk being contested in (administrative) court.^v By limiting the usage of technologies in the work of police and constructing an administrative non-penal indictment, the state records a high 'number' of 'closed cases' representing EU deportees. Their files go into administrative rather than criminal procedures. Nonetheless, these procedures, which incur high costs in terms of financial and bureaucratic investments, are far less costly than pursuing the migrant in the criminal justice system (El Qadim 2014). Moreover, the digital files still belong to different

organizations controlling European borders: the border police and the international SIS database.

French authorities use digital tools to justify their requests for more police funding in order to address terrorist threats, migration control and foreign criminality. One of the outcomes of this funding is the bilateral police collaboration with Romania (Vrăbiescu 2019c), a project aimed at the identification and control of potential foreign criminals. Romanian police forces acting on French territory help to impose restrictive legislation on intra-EU mobility and to racialize police methods by targeting Roma ethnics when identifying Romanian citizens. This French model of in-country policing of EU citizens targets Roma ethnics and poor migrants from Romania (GISTI 2008; Nedelcu and Ciobanu 2016). France's investment in digital tools to fight criminality is doubled in the form of increased human capital who apply traditional police work to identify foreign criminals and deport unwanted EU citizens.

The bilateral police collaboration to detect and identify irregular migrants in a nation-state territory is a matter of one-to-one state collaboration. Meško (2017, 113) explains that direct, bilateral and multilateral police cooperation acts on 'an exchange of information and data, and operational measures for the prevention, detection, and investigation of criminal offences,' thus prioritizing the use of criminal records in direct police collaboration. The specificity of the Franco-Romanian bilateral collaboration introduces new elements of selective and flexible use of technologies in police work. This alliance has the task of, among other operations, identifying and controlling Romanian citizens on French territory. This includes two complementary activities of policing: surveillance of Roma camps, and identifying people within the national police database. The legality and efficiency of using digital technologies in police work do not always overlap. Some officers find it practical and fulfilling to use surveillance methods in the traditional way, explaining how the quality and competence of their work comes from their training, experience and skills in exercising police work. They often told me how their preferred method for surveillance of Roma camps, a procedure involving hiding, watching and identifying a person, brings them considerable work satisfaction.

Despite serious investment on the part of both states, control technologies such as fingerprinting, photographing and taking other biometrical data from petty criminals have allegedly been dropped (fieldnotes 2016). Instead, liaison officers apply operative

activities of policing, such as surveillance of Roma camps or interviewing Romanian citizens accused of criminal activity at the police station. The police's digital tools enable the process of identification of Romanian citizens. These processes serve to match data about a person at the police station in France with the database in Romania. With the help of liaison officers, data is collected in France and compared with the database in Romania. Sometimes identifying recidivists is relatively easy if an officer has experience in looking through the files and matching an individual's characteristics, but the process can be often unsuccessful if the Romanian citizen has no police record in Romania.

One Romanian officer complained during our interview that the procedure of taking photos and fingerprints of all the Roma migrants who were targeted for voluntary return programs had been abandoned: 'With fingerprinting was different. It is a pity that this procedure stopped. It was very useful.' Supposedly the procedure was not a police-oriented one, but was used by the French state to identify Romanian citizens who had already benefited from the 'aid for return' policy. Yet, as we were to learn, the procedure of taking photos and fingerprints is still in use. The Romanian citizens who are stopped and searched by the police were fingerprinted first at the police station and once again at the immigration detention centre, a practice that is legal only for foreigners who are pursued in the criminal court of justice.

This transnational collaboration opens up questions about the effects of deportation procedures at the receiving end, when the Romanian citizen crosses the intra-European Schengen border to his/her country of origin. The practices of recording, communicating and sharing data are made available to different police structures. At the same time, these practices of blurred legality leave space for the discretion of police officers from France and Romania to assess and produce different forms of criminalization of mobile EU citizens. Similarly, recent literature suggests that coercive border control increasingly produces 'porous boundaries between the civil, administrative and criminal fields' (Weber and McCulloch 2018, 3), a theoretical line that we follow.

3.2. Messiness at the internal Schengen border

Our empirical data show precisely that the state's political decision for deportation stands out as contrary to the EU's claimed need for high tech control at the border.

Bureaucracy works against the ideals of efficiency and result-oriented policy that includes police standard missions of chasing and identifying human trafficking across the borders. By contrast, one of the unsettling activities of the border police at the intra-EU Schengen border is the procedure of receiving Romanian nationals who have been deported from another EU country. In their daily work, border police officers work with the idea of criminal deportees instead of returned migrants, despite the fact that no criminal records or judicial trial exists. The terminology has changed in recent years: before 2007, deported Romanian citizens were referred to as 'expelled,' and now they are referred to as 'returned.' '[B]ut even if the naming is different, the practice remained the same,' explained a chief officer at the airport.

Digitalised data at the Schengen border categorises deported persons as returnees, sent back, expelled, extradited, or put in Dublin procedures.^{vi} This data is manipulated according to Romanian border practices and regulations and in agreement with the Schengen Borders Code. For each category there is another type of digital file to be filled in the SIS II (field notes, December 2016). Each deported national has a file in which, besides the deportation grounds of residency status irregularity, an alleged felony (the person has nonetheless not been judged or condemned) is marked. For the digital system there are no 'clear' returnees. If someone is deported, it is assumed that they must have done something wrong. In the case of EU citizens who enjoy the right of freedom of movement, this 'wrong' is straightforwardly associated with criminality. Like convicted criminals, deportees are registered in the SIS database, where the severity of the felony is recorded only by its assignment to one of the twenty sub-categories of crimes. If necessary, the data are processed and analysed afterwards by the Romanian Border Police headquarters. However, the ways in which the recordings are done and how the digital files are filled in depends on each of the agents working in the back office.

The back office of the border police in Otopeni was a small booth with a glass window that allowed just enough space for somebody to squeeze through documents and hear the officer's questions (although the office door was permanently open). Marin, the officer in charge of returnees on the day of our interviews, bluntly introduced me to his job by cracking a joke: 'They come in envelopes,' meaning the envelopes that hold the ID documents of Romanian returnees. Marin's job is to check national police

registers and international databases, such as SIS or EURODAC, match the identities of the returnees and check whether they have any conviction or an open prosecution case. Then he interviews the returnee, he says because 'there are many that are not telling the truth.' Willing to provide details about his tasks, Marin continued, 'Look, today there were four pieces... sorry, people' he stated with a short, complicit smile. Then he continued, 'these four men arrived from Denmark and inside each envelop there was the ID card of the guy and a 10-page document from the Danish authorities that nobody knew which authority was—border police, national police, judicial authority?' He picked up an opened envelop from the left side of his desk and gave it to me. 'Have a look! You read and tell me what they say.' Everything was in Danish except the first page written in English. We tried to understand the written standard form with no details about the institution who issued it, nor about the reasons for the deportation. The ink intervention was a checked box for 'without escort' and the stamp with the name of the police agent who prepared the forms. The other pages were non-readable for somebody who does not speak Danish. Marin explained to me how, during their short interview, two of the deportees confessed that they were caught while shoplifting. He did not remember what the other two claimed they did. They were verified in the national police databases and then let free, as their misdemeanours were not on Romanian national territory. In a bitter tone, Marin concluded: 'All of them are clean.' (field notes, December 2016)

A deported Romanian citizen is accompanied by a paper file that comes in the envelope the border agents receive. Files from France usually consist of 10-12 pages that are filled in with text justifying every step the French state took in the deportation process. Pages filled with signatures, stamps and dates from several institutions such as the Prefecture de Police,^{vii} administrative and judicial judges, interpreters, lawyers, and so on contain all the trials, processes and decisions that were taken to deport that person. The issuing of massive documents by the deporting state encounters the Romanian border police practice of literally throwing the paper files into the garbage.

The oversized paper documentation—a sort of reproduction and material evidence of the 'real' and digital world of decisions—ends up being irrelevant. The materiality of these documents, if not doubled by the digital communication of data, remains unknown, invisible and useless outside the Schengen area, i.e. for the Romanian police. Clarifying the modern relation between paper and digital files,

Matthew Hull (2012, 262) reflects on the ‘understanding of paper-mediated documentation [that] can help us recognize the genuine novelty and the continuity of electronic technologies, both of which are sometimes obscured by ahistorical rhetoric of technological revolution.’ Paper-mediated documentation challenges the implementation procedures of deportation, whereas the practices at the border challenge the efficacy of Schengen regulations. Besides, the relations established between different border police structures across Schengen borders reveals the usefulness of ‘mis’-communication processes and information exchange in bureaucracies (Borrelli 2018). On the one hand, paper-mediated documentation facilitates the communication between the departing state and air operator rather than the receiving state. On the other hand, deportation has the political agreement of the receiving state, even when communication between institutions is not working properly. Yet, practices at the border show a hierarchical relation between two European states that may avoid Schengen regulation, and also demonstrate the ways in which the intra-EU border gets reinforced by the practices of deportation.

The French police in Romania receive data issued by the Border Police in France in the form of a digital file on the deportee (*routing*) that states the offences they committed in France, their convictions, and if the person is accompanied by an escort or not. This ‘routing’ includes also the confirmation that the deportation has been executed by the French Border Police, the moment the flight takes off with the deportee on board. At the other end, the Romanian aerial border is the entrance point of the deportee in the Romanian territory. The French police representative illustrated the process of arriving ‘at home’ (see also Kalir 2017) by saying:

There is an average of 350-360 people per month deported from France to Romania. In general they come without escort, meaning the Romanian citizens come here *at home* (my emphasis). They are not necessarily... maybe they are encountered by the Romanian border police, because the Romanian Border Police has the routing and they know when a person is sent from France. They are controlled by the Border Police, I mean it’s a Romanian citizen who did nothing in his country. This is what happens: he comes and because he’s not happy he leaves. And then, they do the same. But when there is somebody deported with escort, then the person is handed to the Romanian authorities.

However, the practices of French and Romanian border police and liaison officers allowed me to observe that the digital 'routing' was often not known to the Romanian Border Police, nor were the relevant regulations respected. Differences remain between the expected goal of harmonization of police practices and the daily work at the air border. Border officers confront material shortages on a daily basis, an issue affecting both their paperwork and the digital lives of 'deportees'.

Nonetheless, receiving deportees who are handled by 'office work' at the border justifies the implementation of a harmonized system of policing EU borders. For example, when a deported Romanian citizen arrives at the airport without an escort, the airline that transport them should accompany them to the Romanian authorities and deliver them the deportee's travel documents. Some air companies call the back office to announce the arrival of the deportee, but let people roam free in the airport and also give them their ID cards. No international law lays down how deported persons should be handed over, other than the obligation of the state to accept their own citizens.^{viii} However, at the airport a national regulation sets the rules, but not all the airlines comply, nor there is any sanction for not doing so.

One officer explained to me that it is not at all unusual for companies to not comply with the regulations: 'sometimes even the company gives them the documents and then... [you have to] run after them!,' meaning that the border police should find them and not just let them go through the border zone where the actual check is done. When this happens, the officer on duty writes down the deportee's name on several pieces of papers and runs to all the filter desks so they will pick up the deported ones and send them to the back office for identifying and checking procedures. Not only were there hilarious situations like this, but in fact this scenario was much more common than the proper procedure as there was only one border police agent in the transit zone ('the finger') of the whole airport. Among many other duties, this agent is tasked with going to the gates to pick up the returnees/deportees, which s/he rarely does. According to the border police, this failure is due to personnel shortage and the (unwritten) rule that the responsibility falls on the airline to designate a crew member. However, when a border police agent is not available and the airline fails to send a crew member to the back office, an employee from the handling company might accompany the deported person to the back office.

The experience and professionalism of border officers comes with a critique towards the institution's internal regulations and practices. Reflecting on their daily work and the difficulties they encounter, border police officers complained to me about the lack of resources, bad management, insufficient regulations and poor training of 'new' border agents who were about to work under Schengen requirements that involves merely manipulating machines and being obedient to technologies (Dunn 2004). For the Romanian border forces, the harmonization with Schengen *acquis* means giving up the status and knowledge of police officers trained in judicial matters, and being substituted by border guards trained in operating digital tools. They believe that the future of border policing will be compromised in relation to the current EU-Schengen exchange of expertise.

4. Humans in service of technologies?

The deported Romanians remain in EU territory. At the intra-EU Schengen border in Romania, they are submitted again to police procedures. This time, the messiness at the border is the result of the implementation of the e-border policy, abusive deportation practices and a lack of harmonized rules for using basic devices as well as new technologies. Following van der Woude et al. (2017), who argue that recent changes in border control on the basis of interconnectedness of crime, security and migration oblige us theoretically and empirically to redefine the field of study and better contextualise the European dimension, we aimed to explain the practices and consequences of this particular type of EU mobility control. Contrary to border control demands for digital technologies to be incorporated into crimmigration management, agreements between states facilitate dynamics of police and border security that are designed to keep suspicious individuals on record without pursuing them.

Reiterating the words of Matthew Hull, state documents—in the form of signed-and-stamp paper or a digital record—may remain analytically invisible in their consequences if there are not considered to be 'constitutive of bureaucratic rules' (2012, 253). Paperwork and digital tools in the deportation apparatus are both co-existing and reflect a process of adjustment to new impositions in which police officers and civil servants have to re-evaluate their own practices with regard to Schengen *acquis* implementation, professional expectations and the reality of infrastructure at

disposal. Moreover, the role of non-digital practices in digital experience is essential. It shows the ways in which human discretion and responsibility is embedded in the ways digital tools are used for surveillance, identification and control.

Digital technologies act as an important legal instrument and a vital part of the harmonization mechanism that enhance efficiency in protecting EU external borders (Trauttmansdorff 2017). Border police and judicial authorities across Europe use 'datafied border surveillance networks and projects' (Dijstelboem 2019, 312), such as SIS, to share data on persons or objects. While the expectation is that EU states will implement advanced technologies (SIS II) and harmonize police practices, competing national interests mean that nations mobilize different regulations and manipulate digital tools to maintain, promote and facilitate police practices of deportation designed for sovereign purposes. Thus although there is a large palette of digital tools available, regulations tend to either make them unusable, or fail to enable their practical potential. As a result, the use of these tools by the police is optional and selective. At the same time, the paperwork required by administrative deportation procedures illustrates its role in modern knowledge production and simulate control over the digitized police work by emphasizing the importance of material support for affirming authorities (Lowenkron and Ferreira 2014).

The empirical data have shown how state practices of deportation always blend a mix of traditional paper work and digital methods. The nation-state is still relying on paper-mediated documentation rather than transitioning fully to digitized deportation procedures. Thus, the practices at the intra-EU border attest to the lack of efficacy of the Schengen regulations. This normalized messiness at the intra-EU border contradicts the claimed orderliness of police institutions and policing practices, demonstrating selectiveness, randomness and discretion distributed at different levels within police institutions and in their collaborations. Yet, at the intra-EU borders the expectations are that European states' procedures will change, ideally leading to harmonized procedures among member states, in order to implement smart border-related practices. Moreover, digital tools deployed in border police work contribute to the legitimization of EU citizens' deportation practices in the EU territory. They help to blur jurisdictions and the rule of law, enhance the potential of bilateral police collaboration while maintaining unequal state relations, and introduce new crimmigration elements.

They contribute to the debate advanced by Weber and McCulloch about the rise of 'porous boundaries between civil, administrative and criminal fields' (2018, 3), questioning the 'neutrality' of border devices. At the same time, they reinforce the external borders of the EU, contributing to the narrative of a European common territory.

Furthermore, extending the practices of border police into nation-state territory by using e-borders to further police and deport mobile citizens confirms and yet complements what Kalir calls 'Departheid', that is, 'the combination of policies and practices, rationales and emotions, that force illegalized migrants to depart, be deported, evade deportation (by paying a tremendous price, literally and figuratively) or risk the ultimate removal in the form of death' (2019, 2). Our example proves that, upon their arrival, the long hand of the surveillance state and deportation apparatus stigmatize and criminalize (again) the deported mobile citizens (re)turned to the territory of their own country. It advances an important topic of EU citizens' condition, one that is infrequently tackled within the vast body of literature on post-deportation (Drotbohm and Hasselberg 2015; Khosravi 2017; Schuster and Majidi 2015), and which could enlarge our understanding of border control.

The communication of data across the Schengen border between France and Romania is bound to remain limited by the unequal status of the two EU member states. The border cooperation between the two states was not overly influenced by Romania's accession to the EU, but mostly by the completion of the Schengen *acquis*. Although there are a few notable differences between the past and the present (before Romania's EU accession), Franco-Romanian relations remain steady at the border due to Schengen security regulations. Smart borders are not yet in use for internally mobile EU citizens, at least not in a way that will result in the harmonization of legislative member state practices against undesirable EU citizens. However, these practices of e-bordering applied to EU citizens amplify the idea that cross-border mobility represents a threat within EU territory in the form of unauthorized entry, residence or just movement (Bigo 2012).

5. Conclusion

Europe and its member states have invested heavily in police and security forces, biometric technologies and large-scale surveillance data, although on a daily basis border policing relies on officers' experience, knowledge and practice. This demonstrates the contribution of digital technologies to the **surplus deportation** of Romanian citizens from France, and the questionable role of paperwork in the deportation apparatus. In short, the state introduces technologies into the deportation apparatus to save money and time, to be more efficient and deport more people, to be less accountable and to modernize. Highly regulated police procedures and the deportation apparatus use digital tools to respond to nation-state narratives, thus reminding us how technologies are deeply intertwined with the system of values, organizational culture and legal boundaries of our society. The installation of e-borders leads to the construction of any movement across borders as suspicious and potentially criminal activity, whereas the person-focused strategy of profiling threatens the principle of non-discrimination.

The EU-Schengen framework and national laws confer enough space for police officers and border agents to exercise discretionary power, as illustrated also by other scholars (Brouwer et al. 2017; Sklansky 2012). Even when complaining about procedures and regulations, these officers and agents comply with internal norms and make sense of their work within the EU supra-state structure of security. This situated practice takes into consideration both legal and supra-national incentives and pragmatic conditions to implement digital devices in deportation processes. The selective use of digital tools helps police to develop and maintain informal practices, regardless of what happens at national and supranational levels.

While advanced digitalization allows border police to easily record and identify the deportees, an ethical and procedural challenge unsettles the daily work at the Schengen border. During the procedure of receiving EU deportees, border police agents display a complete disengagement from recording procedures and abandon interest in police work when dealing with Romanian deportees. By interrogating institutional (dis)investment and public servants' selective use of digital tools to enforce and enhance deportations of EU citizens, this article shows how policing poor mobile EU citizens becomes an integral part of state work of 'doing borders.' It demonstrates how the selective criminalization of mobile subjects at the border relies on informal social

practices and ultimately contributes to the state's illegibility (Das and Pool 2004). It points out, in line with scholars who tackled state's (non-)recording practices of citizens and aliens (Kalir and van Schendel 2017), not only state's interest and ability to govern mobility by omission but also that borders are spaces of overlapping jurisdictions and contested legality.

Deportation procedures recurrently strengthen the meaning of borders and nation-state territory. Instead of demonstrating the technological and procedural harmonization of police at the external borders of the EU, in the Franco-Romanian case the deportation of EU citizens and the practice of receiving criminalized deportees underscores the selective instrumentality of borders. This *crimmigration at the border* has structural effects on police practices, which are disclosed in the officers' statements of disinterest, the uselessness of the paper documents and the problematic criminalization of deportees. It also reveals ethical issues in the usage of digital technologies within a disharmonized system of bordering Europe.

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i Romania is part of the EU since 2007 and it was expected to join the Schengen area in 2014, which did not happen due to the opposition of some member states. However, Romania claims its technical readiness to join the European Border Regime by already signing the Schengen Convention (1990) and implementing Schengen Borders Code (regulation EC/562/2006).

ii These deportation orders (OQTF or *ordre de quitter le territoire français*) may have a deadline of 30 days or can be immediately executed by the police (i.e. when those considered irregular migrants are put in detention centres in order to be deported).

iii Administrative interdiction on the territory (initially called *Interdiction de circulation sur le territoire français*) is an entry ban applicable only for EU citizens introduced with the Law 272/2016, art. L511-3-1/2 and further amended by the Law L214-1/2019 (*Interdiction administrative du territoire*). Even if the principle is different from the ITF (*interdiction de territoire français*) the effect of entry ban are the same: people who have an IAT (or ICTF according to CESEDA/2016) will be stopped and returned at the border or deported immediately when found in the French territory. To emphasize this effect of the new regulation, I will use 'entry ban' from now on (GISTI 2019).

iv There are two successive steps here: first it is a police measure (*mesure de police*) which is taken by the police and counts to build up an administrative assessment of the migrants; second multiple police measures count for an administrative decision (*arrêté préfectoral*) that can take to the form of deportation (OQTF with delay or not).

v All prefectural orders, such as OQTF or IAT, can be contested in administrative court (*tribunal administratif*). In the case of Romanian citizens there is a precarious jurisprudence due to a complex situation (detainees' lack of knowledge about the French system, poor NGO attendance of detained EU citizens, judges' biases, etc.) that leads to different approaches depending of the courts (some accepting almost all the deportation orders, others canceling them).

vi The European Dublin III Regulation: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF> under which asylum seekers would be returned by any member state to the EU country where they first arrived, controlled or asked for asylum.

vii *Prefecture de Police* is a unit of police in charge for the metropolitan area of Paris, meaning Ile-de-France. The chief of prefecture of police has as the direct superior the minister of interior.

viii The IATA convention (2010) and the following regulations do explain the rules and limits of duties between the deporting state and the aircraft operator. However, there are no specification on the duties and obligations of the air companies on the point of arrival. See also: <https://www.icao.int/ESAF/Documents/meetings/2014/FAL-FEB/Guidelines%20for%20the%20Removal%20of%20Deportees.pdf>. In addition, for EU directives regarding responsibility of carriers please see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0082> and <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A133139>.