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DEGLI STUDI DI BARI
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DIPARTIMENTO DI SCIENZE POLITICHE



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Garante regionale dei diritti
delle persone sottoposte a misure
restrittive della libertà - Puglia



International workshop

Landscapes of Confinement at the EU borders

Exploring the 'Hotspot Approach'

29/30 October 2020

Dept. of Political Sciences,
University of Bari 'Aldo Moro', Bari (Italy)

Call for papers

In the European Agenda on Migration, the 'hotspot approach' is referred to as one of the main immediate actions to support Greece and Italy to 'swiftly identify, register and fingerprint incoming migrants'. According to the description provided by the Commission when the approach was firstly introduced, it is ultimately a measure of operational support activated in order to help frontline member countries facing disproportionate migratory pressure in providing to the registration, identification, fingerprinting and debriefing of people seeking asylum, as well as return operations. The approach has been object of intense criticism, especially for the human rights violations perpetrated inside so-called 'hotspot facilities'. The hotspot approach has also been criticized for its weak legal basis. Many commentators have emphasized the absence of a specific legal framework regulating the implementation of the approach and the extreme uncertainty regarding the role of different actors involved, especially as regards EU agencies in relation to national authorities.

The intense scholarly debate generated by the implementation of the hotspot approach has also revealed the existence of some confusion about its exact nature. Hotspots can indeed be regarded either as a procedure, a mechanism called to make migrants' processing after disembarkation more effective and producing a swift division between those eligible for protection (categorized as 'asylum seekers') and those who must be returned back (categorized as 'economic migrants'); or as specific geographical sites, that is spaces of confinement and detention created near main disembarkation points in order to prevent potential secondary movements of those recognized as 'asylum seekers'. While there was a clear indication that Commission's preferred solution was to create closed and secured facilities in order to prevent secondary movements, thus envisaging a situation of protracted confinement at the borders, the weak legal basis on which the 'hotspot approach' stood left member countries concerned with some room for discretion in its implementation. And indeed, the approach has been implemented

differently by Greece and Italy, which have essentially embedded it in the existing national systems for first reception.

The Commission had the opportunity to clarify the legal framework regulating the implementation of the hotspot approach, in particular as regards reception conditions in so-called 'hotspot areas', when published its proposals on the reform of the recast of the reception directive and on the new regulation on asylum procedures. However, while the hotspot approach is never explicitly mentioned, Commission's proposals greatly expand the possibility of keeping people in detention near main disembarkation points under so-called 'border asylum procedures'. The reference to the need of custodial measures is even more explicit in the policy papers and proposals published by the Commission starting from 2018, where the overall objectives of the hotspot approach are also apparently redefined. This is evident, for example, in the controversial 2018 non-paper on 'controlled centers', which already included many of the policy solutions that the Commission would have included in its proposals on the recast of the return procedure and on the new regulation on the European Border and Coast Guard (EBCG), and in particular a new rapid 'border return procedure' which provides specific, simplified rules applicable to those whose asylum request was rejected following a border procedure.

Commission's policy design appears that of 'normalizing' the hotspot approach. This is why operational support was envisaged as no longer circumscribed to cases of 'disproportionate migratory pressure' and limited to assist member countries in screening, debriefing and fingerprinting, but also extended to offer support in the implementation of the rapid asylum and return procedures even outside 'crisis' situations. This in the framework of an approach which relies heavily and explicitly on the protracted detention in border areas. While every reference to controlled centers has been finally removed from the new regulation on the EBCG implemented in November 2019, the overall policy design is that of encouraging frontline member countries to manage disembarkation procedures by confining migrants at the border, while attributing to EU agencies an ever-greater role in the management of the accelerated procedures relating to identification, asylum processing and possible return. It is no coincidence that over the last two years, during which the debate on the need to set up 'controlled centers' at the border has been persistent, both Greece and Italy have finally developed plans to strengthen their regulatory framework on asylum detention.

The 'hotspot approach' is therefore increasingly institutionalized as an asylum and return sub-system where migrants rights' will be protected by sub-standard legal and procedural guarantees, which will be operated, with the increasing involvement of EU agencies, in remote areas where civil society and independent oversight is extremely difficult. Moreover, beside accessing a sub-standard procedure, migrants will be systematically detained. While clearly in breach of human rights standards, requiring individualized assessment on the necessity and proportionality of every deprivation of liberty, systematic mass detention at the border may be considered as entailing a de-facto criminalization of people seeking asylum and, as a consequence, to be contrary to the Refugee Convention prohibiting States to penalize refugees for their irregular entry or status. Finally, one has to wonder what the price of coercion is. Detaining migrants for

months after their arrival, besides being legally questionable, risks to escalate the level of systemic violence exercised by the border control assemblage.

This international interdisciplinary workshop provides an opportunity to reflect, both conceptually and empirically, on the challenges to the protection of migrants' fundamental rights raised by the increasing institutionalization of the 'hotspot approach'. This approach is indeed embedded, and needs to be analyzed, within a wider EU bordering project which rests on a long-standing process of migrants' criminalization that, in turn, reinforces the racial and nationality-based segmentation of the European society.

In particular, we seek contributions addressing the following topics:

- the role of the hotspot approach in the EU border control assemblage;
- the analysis of the hotspot approach in relation to the expanding EU landscapes of confinement and detention;
- the legal basis of the 'hotspot approach';
- the implementation of the hotspot approach and the role of the different institutional/non-institutional actors involved;
- reception and detention conditions in hotspot facilities;
- practices of migrants and supporters' resistance to the hotspot approach;
- lived experience of confinement and detention at the border;
- access to justice and human rights protection in hotspot facilities;
- the challenge of independent monitoring of the hotspot approach.

This interdisciplinary event will be of interest to scholars from law, criminology, sociology, social policy, human geography, anthropology, political science, and psychology. Early career scholars are encouraged to send abstracts. Attendance is free. We have limited funds available to cover travel and accommodation for paper presenters.

Confirmed keynote speakers are Mary Bosworth, Sergio Carrera, Martina Tazzioli.

The workshop is sponsored by the Apulian Regional Council (Consiglio Regionale della Puglia), and it is organized jointly by the Department of Political Sciences of the 'Aldo Moro' University of Bari, and the research network 'Border Criminologies' of the University of Oxford.

Email your proposal (500 words maximum) by 23:59pm (GMT-4) on **June 26, 2020** at workshop.hotspot@uniba.it including your name, your email, your position and a short bio in your proposal. Please, also indicate if you would like to apply for travel and accommodation funds.

We aim to publish the papers discussed in this international workshop as a special issue of a journal or as a collective book. If you are interested in putting your work forward for consideration, please indicate this in your proposal.

Information about acceptance will be sent by July 24, 2020.