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'Rights' in the grey area: undocumented border crossers on Lesvos

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Abstract: The Aegean island of Lesvos is one of the gateways that refugees and undocumented border crossers use for entering European territory. This study deals with two phenomena related to border crossings on Lesvos: first, the efforts of those arriving to be placed in the status of 'administrative detention' in order to receive an expulsion order and then be able to continue their journey; and, second, the activity of the local solidarity network, which initially established an open reception centre for refugees and undocumented immigrants under the umbrella of the civil society, until some activists agreed to put this project under the jurisdiction of the state authorities. In reflecting on these developments, the author addresses two major issues: first, immigration imprisonment as a facet of 'positive power' in the Foucauldian sense, and the possible relationship of the latter to grassroots humanitarian commitment; and, second, specific facets of the current paradigm of immigration imprisonment that can help explain why detention may be interpreted as a right by refugees and immigrants. The author argues that the humanitarianism that arises in the interface of surveillance and the provision of care demonstrates post-bureaucratic features; and further, that

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the strategy pursued by refugees and undocumented immigrants shows how limited their scope is for asserting any rights, given the intensified augmentation of border surveillance worldwide.

Keywords: activism, border crossers, human rights, immigration detention, Lesvos, PIKPA, post-bureaucracy, refugees

Passages from a border diary

It is a sunny Saturday noon in April in the port of Mytilene, the capital of the Aegean island of Lesvos.[1] A ferryboat has just arrived from Turkey and a group of tourists are walking across the dock heading to the nearby hotel. They pass by a group of people who lie on improvised beds in sheds inside the port area. These are people who have clandestinely arrived on Lesvos *through* Turkey; women and children are among them. They look exhausted and some of them are trying to relax and protect themselves from the intense sun by lying underneath a mini-bus. The locals call them collectively 'humans' (in Greek: *anthropoi*), implying an embarrassed perplexity in the face of individuals in need. The 'humans' are later divided into 'the imprisoned and/or those who are waiting to be imprisoned', 'new and/or old arrivals', 'with papers and/or without papers', 'Syrians or Afghanis, and others'. Formally, they remain under the surveillance of the coast-guard; however, their administrative status is unclear since the coastguard is not legally authorised to keep individuals under arrest for longer than three days. After that the police are in charge. But police inaction has blocked any further processing and keeps them confined to the island with no prospect of altering their situation. The border crossers persistently ask for the police. 'Just let me give my fingerprints and finally leave!', says one woman. The coastguard staff bring the bad news: 'Unfortunately, it's not today either.' They, too, feel the effect of the police's inaction, not least because they have to bear the brunt of the work, and have to do overtime.

Apart from the coastguard, also assembled in the port are the staff of FRONTEX, ordinary citizens, members of NGOs, activists, volunteers and priests. All mix freely and operate as though they were working to the same ends. Every day, local people and priests bring homemade meals. Over time, all those involved become unhappy about the police since, as the asylum seekers are technically under arrest, their care is the police's responsibility, as are 'the papers' that will allow them to leave the island, first for the harbour of Piraeus on the mainland and then for the next destination country. The 'paper' is nothing other than an administrative expulsion order that requires them to leave the country within thirty days. However, it is interpreted as a 'travel document' that allows them to leave the island and to stay legally in the country for thirty days; as such, it is claimed as a 'right' for which the border crossers have decided to fight. Indeed,

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after being left in this bureaucratic limbo, some young men moved away from the port area and close to the main street, intending to provoke the police and thus achieve the status of administrative detention. When this failed, they started a hunger strike some days later, which the activists supported.

Demanding imprisonment as though it were a right is at odds with our conventional understanding and conceptualisation of surveillance technologies. But the scenes described above took place in a somewhat idiosyncratic situation, in which different forms of internment were to be found side by side with an active civic society network engaged in supporting and caring for undocumented border crossers. Because police stations across the whole island were crowded, many new arrivals had to remain in the port area; others were accommodated in the open reception centre, PIKPA, which had been in operation since autumn 2012 under the aegis of local activists and volunteers. The situation became even more complex once the administrative status of PIKPA as an open reception centre changed, when, with the consent of individual activists, it was handed over to the coastguard's jurisdiction. In effect, PIKPA became an ambiguity since, on the one hand, new arrivals found a safe and hospitable environment there, thanks to the engagement of the locals. On the other hand, it was officially an administrative detention centre, even though, in practice, an open one. The controversy that arose among activists deepened even more when the state's intention to build a screening centre in Lesvos was realised in September 2013.

The research questions

This study draws from current scholarly approaches that point to the dual quality of immigration imprisonment: on the one hand, as an authoritative and punitive mechanism; on the other hand, as positive surveillance technologies, whose positivity lies in the state's efforts to portray itself as the guardian of society's interests, ensuring consensus.[2]

My aim here is to examine a series of issues: the imprisonment of refugees and undocumented border crossers in Lesvos as seen against the background of the increasing criminalisation of border crossing; security discourses; the implementation of transnational border surveillance technologies and their manifestations at the national and local levels; and also humanitarian care and welfare systems. My central research question is how, in the case of Lesvos, administrative internment came to be claimed as a 'right' by refugees and undocumented immigrants, and its granting treated as a humanitarian act by some activists. This raises two major issues: first, immigration imprisonment as a rational, positive choice, an attempt to assert power in a grossly unequal and coercive situation, and the possible relationship of such a choice to grassroots humanitarian commitment; and, second, what specific facets of the current paradigm of immigration imprisonment account for the interpretation of detention as a 'right'. I further argue that activism, as it becomes professionalised, may acquire post-bureaucratic features, in which organisations and groups are characterised by consensus decision-making,

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networking and an apparently more egalitarian structure, as opposed to the top-down, hierarchical and tight regulation of more traditional bureaucratic organisations. The question is, can coercive technologies of power be utilised by activists as a possible source of professional capital, while still maintaining the humanitarian character of their intervention? In addition, I will explore the endeavours of refugees and immigrants to achieve the status of administrative detention in respect of two developments that have affected the *content* of their rights and how they attempt to move on, i.e., the current worsening of conditions for refugees and the augmentation of border surveillance technologies. How specific to Lesvos is the phenomenon of 'administrative expulsion orders' enabling the transition through (administrative) detention, and how far does it correspond to the refugee condition and global border surveillance generally?

My research is based on ethnographic fieldwork, including the collection of documents from organisations and the solidarity network on Lesvos, reports in the local press, interviews with local civil agents, and participant-observer research. The research covers the period autumn 2012 (when Lesvos started once again being targeted by undocumented border crossers and civil society was playing the most important role in receiving them) to autumn 2013, when a screening centre was established.

Visibility of hardship, solidarity and administrative internment

Extreme, highly visible social deprivation can evoke different reactions in the immediate social environment. Deprived individuals become 'quite visible' when they appear concentrated in the centre of a provincial town, even more so when they are foreigners deemed 'illegals' who have crossed borders clandestinely seeking to reach Europe without legal authorisation. This was the case in Mytilene, when, on 27 November 2012, the local press reported on the arrival of a group of immigrants:

> Today, the picture in front of the Municipal Theatre of Mytilene gives reason for scepticism. More than 30 immigrants, children and elderly, are encamped there and … are waiting to get arrested! It is as if they were shadows. They came neither legally nor illegally. Whatever the case, they are visible in the public place; in the centre of our town … But, in the front of the theatre the refugees are not alone; there are also people of this town … The police declared they were unable to arrest them [the refugees] – they say there is no place available. But are the municipality and district unable to find a place to host them provisionally? Does the law come before human lives?[3]

In view of the authorities' inaction (either to arrest the migrants or to care for them), local citizens spontaneously took the initiative by providing aid but also warning about the imminent emergence of a 'social question', in the form of a 'humanitarian crisis' that needed to be contained, given the worsening weather.

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Generally speaking, dealing with a 'social question' is anything but independent of how such a question is formulated and who feels authorised to handle it. History shows how the social exclusion of particular groups leads to their being deprived of all means of subsistence, artificially creating a 'social question' that, again, the authorities are anxious to solve not necessarily by changing the conditions of deprivation but, all too often, by repression, isolation, detention or even, as in the case of the Roma during the second world war, by extermination. They, who had previously been banned from employment, were then accused of parasitism on society at large.[4] In the current neoliberal context, the situation of refugees and undocumented immigrants unveils facets of global inequality at the local level. The exhausted, uninvited foreigners, arriving clandestinely, embody what Zygmunt Bauman has sarcastically termed the 'collateral casualty (or damage)' of unco-ordinated and uncontrolled globalisation. 'Thinking in terms of collateral damages tacitly assumes an *already existing inequality* of rights and chances, while accepting a priori the unequal distribution of the costs of undertaking (or for that matter of desisting from) action.'[5] The issue is then how to cope with 'modernity's outcasts'[6] when they become publicly visible as a wretched collective human subject, deprived of any means of survival; a miserable mass that disturbs the public image of desired social harmony.

The presence of a needy group of border crossers in the town of Mytilene in the autumn of 2012 mobilised civil society rather than the authorities. That first spontaneous reaction of solidarity took a more systematic form as migrants continued to enter. All the while, local authorities failed to take responsibility for providing those arriving with *ad hoc* aid. The solidarity exercised by the local society did not come out of nowhere, though. Ordinary citizens were already sensitised to the social deprivation and increasing impoverishment of the local population, arising from the current economic crisis. So the first collective initiative to house the immigrants and refugees came from a recently formed social network of activists whose initial objective was to counteract that impoverishment. The network was called 'The Village of "All-Together"' (from the title of a Greek anti-racist tale by Sokratis Mantzouranis). Members of the 'Village' and independent activists asked for permission to re-open a holiday camp for children called PIKPA that had been closed for several years. The municipal authority agreed and PIKPA started accommodating the border crossers. This was the genesis of a civic project that was an alternative to, if not quite the opposite of, detention. The centre operated on the basis of the solidarity shown by local people and activists who cared for the guests, along with NGOs such as Doctors without Borders and others. Members of this solidarity network also liaised with the authorities responsible for the formalities that would allow the refugees and immigrants to leave the island for the mainland, as was their wish. The thinking behind the negotiations was that they should be legally dealt with as delinquents, i.e., as having made an unauthorised entry into the country, for which the penalty was an order to leave. This was instead of classifying such entry as a crime, which would have led to their being detained for an indeterminate period.

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After a short break in winter, a new influx of immigrants reached Lesvos in February 2013. In view of the continuing failure of the authorities to act, activists and NGOs once again took action, opening PIKPA anew. The project operated in the same way, i.e., on the basis of solidarity. (However, in tandem with this, police stations across the island had become overcrowded and many individuals were living rough in the port area.)

The status of the open reception centre changed in March 2013 when PIKPA came under the authority of the coastguard, a shift made with the consent of individual activists. This was the beginning of a controversy within the grassroots movement concerning the most appropriate way to exercise solidarity and address the political consequences of accepting the status of detention. Despite the controversy and a generally rising scepticism, the majority of those involved in the grassroots network and the volunteers continued to provide support. Yet, clearly, the involvement of a state authority such as the coastguard introduced a new aspect to the project, subjecting it to state surveillance. In practical terms, this meant that those residing in PIKPA now became officially either 'detainees' or 'waiting to be detained' and were under surveillance by the state authority in collaboration with activists. This reclassification in their administrative status, however, changed neither the living conditions of the residents nor the practical commitment of the activists. Indeed, PIKPA was still accessible to the public (even when the coastguard staff kept guard). Every ordinary citizen could enter, speak with the migrants and the activists, play with the children. And the migrants were allowed to leave PIKPA to go into town. Civil society agents continued to give support, bringing and distributing meals every day and caring for the residents, in spite of the involvement of the coastguard. This mixing of heterogeneous agents contradicts the classic image of prison and surveillance. (One example illustrates this: a member of the coastguard entered the PIKPA kitchen, talking on his mobile, apparently to his superior. He looked in a stack of papers lying on the kitchen table, where activists and volunteers were preparing a meal. The conversation was about new arrivals; as he looked at the register, he said: 'I have XX detainees here'.)[7]

But surveillance was not just a task for the coastguard; it had also become a task for activists, mostly NGO members, who provided assistance to the authorities by filling out police and compulsory medical registrations for PIKPA residents.

In fact, after passing into the jurisdiction of the coastguard, PIKPA was transformed from a civil society-administered open reception centre into an open screening centre under quasi-civilian surveillance. This hybrid mode of surveillance appeared to have a humanitarian face because of several factors: not only was the presence of the state authority discreet, but the registration process was to some degree carried out by friendly activists. Moreover, there was no doubt that if activists and volunteers had withdrawn from the project, the immigrants would have lost any chance of having their basic needs met; nor would it have been possible to monitor any exercise of arbitrary treatment by the state authority. And,

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after the grave adventure of their long and dangerous journeys, the immigrants obviously felt themselves to be (and were) in good hands. Yet, the physical presence of the coastguard conveyed the impression that the authorities were indeed concerned with the border crossers, giving rise to the hope that the formalities would soon be completed and they would be able to leave for the mainland. Hence, once the staff from the coastguard ceased to turn up and keep guard in PIKPA and there was a noticeable delay in issuing expulsion orders, the impression arose that the residents were being forgotten. Their invisibility increased because of PIKPA's distance from the town, running the risk of turning it into a typical camp for refugees and immigrants characterised by Zygmunt Bauman: 'Outside of that place, refugees are an obstacle and a trouble; inside that place, they are forgotten.'[8] Preferring to be an obstacle and visible, they moved again to the port area joining the new and old arrivals staying there. 'Disturbing the public' with their physical presence was seen by both immigrants and activists as the only way to pressure the state authorities into issuing them with 'papers'. (Besides which, the volunteers and activists were getting exhausted after several months of providing care, all the while supporting the project with their own financial means.)

At the same time, rising political scepticism and controversy over the official status of PIKPA as 'administrative detention' threatened the unity of the solidarity network. For most of the activists who were critical of this development, the provision of care, and the confidence the border crossers placed in the civilians involved, did not outweigh the fact that their treatment by the authorities was based on the principle of criminalisation. Nor that surveillance was now usually carried on also by civil agents according to rules enforced by the state authorities. Moreover, a state plan for establishing a screening centre on Lesvos was announced in spring 2013; as it drew nearer, the most critical activists envisaged this meant the establishment of a prison in the proper sense of that term. Thus, they insisted that PIKPA be returned to its initial status as an open reception centre, operating as such with the support of the municipality. Others, who took the official designation of the planned screening centre as a 'Centre for the First Reception of Undocumented Border Crossers' at face value, urgently demanded its immediate establishment and opening, expecting the state authorities to take responsibility for providing the border crossers with humanitarian aid and 'papers'.

In the section that follows, I argue that the consent of a section of the activists to the establishment of a detention centre, and their collaboration with the state authorities in the surveillance of undocumented immigrants and refugees, indicate the wider diffusion into society of a politics of power that moves in the interface of repression and humanitarianism and becomes internalised by non-state agents.

Power rationalities and post-bureaucratic humanitarianism

Currently, the establishment of a detention regime for undocumented immigrants and refugees, with its so-called screening centres as well as physical barriers

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(fences, walls, etc.), is intended to inhibit unauthorised border crossings and ensure 'security'. Such measures can be classified as positive surveillance technologies through which the state seeks to ensure social consensus and cohesiveness.

By applying such surveillance technologies, the state demonstrates its willingness to support and advance the interests of its national population, both economically and socially. As has been pointed out by several researchers, the state's enforcement of migration control makes 'illegality' serve 'productive ends' such as 'protecting capital accumulation within industry and ensuring the state's own political legitimacy in the eyes of the public'.[9] Thus, the building of a screening centre on Lesvos was assumed by state representatives to have benefits for the local society; increasing public security and giving a boost to the local economy by using local skills and professional services.[10] Yet, despite all the measures for inhibiting border crossing by constructing more and more detention centres and walls, the ungovernability of the borders becomes ever more apparent, insofar as borders remain porous in the current globalised order.

However, it is inherent to surveillance technologies that their failure does not lead to re-examining the regimes of power, but rather to enacting new technologies of surveillance and techniques of control. As a consequence, Lesvos became once again a target for undocumented immigrants and refugees in the autumn of 2012. This happened as soon as the Greek state decided on the construction of a wall in the north-eastern Turkish-Greek frontier (in Evros). The crossing point shifted from the north-eastern Turkish-Greek borders (where it had been since 2010) once again to the Aegean Sea. These repeated shifts in crossing points gave an impetus to the building of new barriers and so to a screening centre on Lesvos in September 2013, funded, this time, mostly by EU funds. 'What will happen with all the investment in the new screening centre if the crossing point shifts again to other frontiers, or if the border crossing ceases all together?', we asked the Major General in charge of establishing the screening centre on Lesvos. 'The construction is modifiable and can be transported to other places', was his response.[11] What counts is the goal of applying surveillance technologies, even though their failure is always within sight.

The second factor that serves to give a positive gloss to surveillance technologies, especially immigration detention, is the conceptualisation of such measures as somehow incorporating the politics of human rights. The very designation 'screening centre' perhaps indicates an intention to dissociate state politics from the totalitarian institution of the prison and the repressive incarceration of refugees, shifting the focus to the detection of 'fake identities'.[12] In this view, the very conception of a 'screening' centre is that it is the 'proper place' in which undocumented immigrants may claim their rights, including the right to asylum. But, crucial to how those rights are defined is the system of humanitarian protection in operation, in which, first, security regimes predominate, and second, the permanent status of refugees is weakened in favour of temporary protection. Moreover, the refugee condition becomes more and more bureaucratised, increasingly

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dependent on the juridical recognition of asylum seekers, ultimately according to the principle of who *deserves* to be granted asylum.[13]

In the current period in which the rhetoric and politics of human rights are more widespread than ever, humanitarian initiatives can effectively act as a conduit for disseminating the political arguments and rationalisations inherent to state power into the wider society, mobilising non-state agencies, and producing consensus. Such techniques of 'governing at a distance'[14] promote the semblance of autonomy among non-state actors in civil society – but the limits of such autonomy soon become clear when they come up against the parameters set by state power.

In the case of Lesvos, the activists embraced the administrative language so that the term 'refugees' was increasingly replaced by designations such as 'humans', 'immigrants', 'individuals'. Moreover, the terms 'new and old arrivals', 'with or without papers', 'detained or not yet detained' were becoming normalised among the activists who were concerned with doing all the administrative work, regardless of whether they were politically persuaded to accept the status of 'administrative detention' or not. But for all the common vocabulary, the dissent that arose among activists lay elsewhere: a major controversial point was whether refugees and immigrants should assert their rights to asylum and humanitarian protection while in a position of 'confinement'. The rising dissent brought to the surface the diversity of attitudes within the solidarity network. While the core and driving force of the network acted from a political conviction against social injustice, many seemed to be mobilised mostly by humanistic and philanthropic feelings. The diversity in motivation is typical for activism generally, as Sonja Pieck argues: 'What brings many activists into a coalition are emotions (anger at injustice or exclusion, feelings of solidarity, or hope for change).'[15] And, taking Pieck's assertion a step further, what can divide them are shifts in interests. Indeed, the controversy that broke out within the solidarity network on Lesvos, with respect to both the status of PIKPA as an administrative detention centre and the establishment of the screening centre, reveals shifts in action and interests that typically occur as soon as professional aspirations arise from within solidarity networks, or as soon as resources come into play.

The persistent influx of immigrants and refugees into a particular region renders border crossings a potential resource to be utilised or managed in the pursuit of professional ends. Once it becomes a profession, social activism operates at the interface of voluntary, grassroots commitment and professional engagement, characterised by a 'more "rationalized" way of doing politics, according to formal by-laws, standardized rules of conduct or explicit norms of behaviour'.[16] Activists act then as 'organizational professionals' who are 'subject to both bureaucratic and professional control'.[17] As 'organizational professionals', their relationship to outside stakeholders is crucial to pursuing professional ends.

What was certainly true was that the motivations of those activists who approved the establishment of a screening centre on Lesvos were not uniform. While some of them anticipated the creation of a place in which immigrants and

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refugees would find care provided by state institutions instead of volunteers, another section of the activists had a comprehensive proposal for the operation of the screening centre. The latter suggested the establishment of an institution that did not have the police on-site, but that was monitored by NGOs. This suggestion is similar to a general expert proposal on the establishment of 'Centres for the First Reception for Those Entering Greece without Meeting Legal Requirements',[18] which was developed by Greek NGOs in 2010, when the creation of screening centres was still under debate. At that time, declaring their intention to monitor state policies in favour of immigrants, NGO experts suggested the founding of screening centres (so-called Centres for the First Reception) to work under the monitoring of NGOs. This model was thought to safeguard the provision of care and protection, especially of vulnerable groups (such as unaccompanied minors, victims of trafficking and torture, etc.) but would also serve to flag up possible racial discrimination by state authorities. In the screening centre, after 'all necessary activities of police interest' (such as the registration of fingerprints) had been completed, immigrants would be divided into different categories according to their status as asylum applicants, those to be removed, etc. Under this proposal, immigrants would not be 'prisoners under the administrative status of imminent expulsion', but would stay 'under confinement' not to exceed fifteen days, during which asylum applications were to be decided.

Destroying any illusions about the creation of a humanitarian institution, the screening centre, which opened in September 2013 in the village of Moria on Lesvos, was a genuine prison. In contrast to PIKPA, the building in Moria is well fenced off, not only on the outside but also on the inside as the containers – in which people are housed – are surrounded by wire and separated from both the rest of the building and the courtyard.[19] As well as the police (who have taken over asylum procedures) and FRONTEX, UNHCR and the NGO Doctors of the World also operate inside.

Given that the open reception centre PIKPA had operated for almost one year, the establishment of a closed institution for incarcerating undocumented border crossers appears paradoxical. Nonetheless, it fulfils what Zygmunt Bauman has described as 'a typically modern ambition of social design and engineering, mixed with the typically modern concentration of power, resources and managerial skills'.[20] Ironically, when the new screening centre on Lesvos was inaugurated, its first detainees were a large Palestinian family (including some elderly and children), and some young Afghanis, all of whom had previously stayed in PIKPA for several days, waiting for the authorities to provide them with expulsion orders. They were transported to Moria, then, after registration, the Palestinians were released. They returned to PIKPA, stayed there under the protective oversight of volunteers and then left the island for Piraeus one day later. This scenario reveals in miniature how artificial threats are created, to be coped with by using surveillance technologies. In effect, as Bauman has argued, it points to the 'culture of instrumental rationality' that epitomises modern bureaucracy

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'which prompts us to view society as an object of administration, as a collection of so many "problems" to be solved, as "nature" to be "controlled", "mastered" and "improved" or "remade", as a legitimate target for "social engineering", and in general a garden to be designed and kept in the planned shape by force'.[21]

While the state has set the framework within which society is to be 'managed', its wider success depends on the incorporation and diffusion of such a mindset into the wider civil society. Given that 'humanitarianism has many faces', as Costas Douzinas argues,[22] the bureaucratic, rational techniques of power exercised by the state do not necessarily lack moral legitimacy – but the state's ability 'to coordinate the action of a great number of individuals' may also serve 'the pursuit of any, also immoral ends'.[23] The range of moral stances of those involved in the solidarity movement for immigrants and refugees may fall quite outside this framework – for example, that section of the anti-deportation and anti-detention movement whose philosophy is encapsulated in the demand to abolish immigration detention in general and to stop deportations.[24] But, a philanthropic morality might also motivate civil agents to provide vulnerable refugees and immigrants with *ad hoc* aid.

So, those professionally involved as activists may well still suggest that even a repressive institution, such as a screening centre, can form an institutional framework within which the rights of immigrants and refugees are asserted and protected. However, the decisive point is that humanitarian morals are dependent on bureaucratic rationalities, thus creating an alignment between the technologies of power and the methods of civil engagement. The professional dependence of non-state agents on power centres makes professional activism operate according to the rules of what has been termed 'post-bureaucracy'.[25] This is described by Hensby et al. as 'initiating a *decentring* of power structures through a commitment to networked relationships and consensus dialogue', which, in Sewell's words, 'obviates the need for the principles of hierarchy and explicitly rule-governed behaviour'.[26]

This kind of humanitarian commitment by professional activists could be termed *post-bureaucratic humanitarianism*, which, on the one hand, draws moral legitimacy from the genuine profile of NGOs as advocates for the weak and vulnerable. On the other hand, however, it challenges neither the cause of the vulnerability, nor the strategies of power whose implementation perpetuates and intensifies this very vulnerability.

The morality of post-bureaucratic humanitarianism is challenged though when surveillance technologies are confronted with human dignity. For, as Daniela DeBono argues, 'it is the concept of human dignity that gives a moral bearing to the human rights movement'.[27] So, when activists and NGOs provide assistance to state authorities conducting the *compulsory* health registration of border crossers, deeming it merely a formal procedure, necessary if such migrants are to attain the status of administrative detention, they disregard the racist discourse behind the measure and the violation of human dignity. Moreover, the experience of

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immigration imprisonment worldwide testifies to the fact that the screening centre is not an institution in which protection is provided but a place in which – if nothing else – rights, including the right to asylum, are criminalised and human dignity is violated.

So what then of the demand by refugees and immigrants on Lesvos to receive an 'expulsion order' and administrative detention as a 'right'?

The precarious 'right' to move in the 'grey area'

For all the controversies among local activists on Lesvos about issues of political principle, the fact remains that the undocumented immigrants and refugees themselves tried to provoke their (administrative) internment by getting in the way of the public with their 'illegal presence'; they then protested against the authorities' inaction by going on a hunger strike.

The influx of undocumented immigrants and refugees did not cease after the establishment of the screening centre, which coincided with the intensifying of Greek asylum legislation, despite frequent maritime accidents and deaths in the Aegean Sea. Passing through detention indicates a strategy of escape that can only be understood within the current framework of humanitarian protection and border surveillance, wherein the former is moulded by the weakening refugee condition and the latter by the intensified augmentation of border surveillance technologies and the criminalisation of undocumented border crossing.

More concretely, given the weakening protection system for refugees, an expulsion order remains the only legal way (if not the only way at all) for undocumented immigrants and refugees arriving on Lesvos to leave the island and continue their journey. Applying for asylum in Greece would in all likelihood be futile in view of the extremely low percentage of applications approved and the high probability of refusal.[28] Recent legislation has added a further inhibiting factor since asylum applicants are faced with up to eighteen months' internment, even though they belong to those characterised as refugees by UNHCR. Indeed, the largest groups of undocumented arrivals on Lesvos are Afghanis and Syrians, followed by Somalis, and Palestinians,[29] including children and unaccompanied minors. Even the latter may be detained in Greece, as in several other countries, despite the protection foreseen by human rights agencies.[30] Moreover, due to the unfavourable conditions under which protection may be afforded, many unaccompanied minors relinquish the right to it.[31] This was the case on Lesvos, where in spring 2013 some unaccompanied minors in the port area (the majority from Afghanistan and Somalia) claimed to be adults in order to get an administrative expulsion order and so leave the island. Being declared a minor would confine them to a dysfunctional system of humanitarian protection that was unable to provide them with a solution for the present, let alone for the future.

Imprisonment that offers the prospect of release with an 'administrative expulsion order' is interpreted as a 'privilege' in view of the difficulties in acquiring

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refugee status; the increasingly harsh technologies of border control; and the system of immigration imprisonment worldwide, with its proliferation of screening centres, regional camps, and so-called off-shore centres (indicating the externalisation of border control).[32] A novel paradigm of imprisonment is emerging that integrates humanitarian politics with diverse and mixed forms of incarceration in terms of confinement in national or regional camps, but also deportation or prolonged internment under inhuman conditions and without a fixed date of release.

As Wendy Brown and Federico Rahola suggest,[33] the current paradigm of immigration imprisonment is a type of custody that aims at managing flows of border crossers; but, in contrast to their assertion, the expulsion of foreigners is nowadays a widespread practice, that may also take the form of 'voluntary return' and the extradition of unsuccessful asylum applicants. Deportation and removal have acquired a remarkable dimension and are practised in a way that renders them an integral part of the current imprisonment model, in terms not only of managing flows but also as part of a punitive mechanism, that is about to reach the level of a full-scale business. As Shahram Khosravi has shown in the Swedish case, the budget for removals has dramatically increased: 'the removal operation is an enterprise involving transport companies, private security companies, five detention centres, deportation escorts, international networking (asylum attachés) and private expert companies'.[34] Furthermore, the prolonged detention of asylum seekers and immigrants renders them liable for exploitation by private companies that utilise captive work by detainees living in removal camps as a super-exploitable workforce, as Jon Burnett and Fidelis Chebe have shown in the case of the UK.[35] On Lesvos, deportation or removal is not yet the rule, at least not officially,[36] due to the lack of bilateral 'push-back' conventions with neighbouring Turkey. However, this might soon change, given that the establishment of a department for deportations in the screening centre is in progress.

Immigration detention, integral to current techniques of border control and surveillance, also serves to punish and intimidate border crossers. Because of its diverse characteristics, though, it cannot be seen simply as the modern equivalent of 'a pre-modern prison – nothing more than a site for punishment and the permanent removal of "wasted" bodies', as Khosravi asserts.[37] Still, the violent (indeed, inhuman) treatment of immigrants and refugees gives rise to the impression that bodily and psychic violence is an integral part of immigration imprisonment. Indeed, migrant detainees in and from different countries have testified how in prison they are 'treated like animals', forced to live in violence and uncertainty, never knowing when they may be released.[38]

Harsh conditions of internment have led to (attempts at) suicide and self-harm and also to collective reactions like riots,[39] discrediting the alleged provision of humanitarian protection. During an inspection visit to the newly established detention centre of Moria, in Lesvos, in September 2013, we asked the Major General in charge why the surrounding wire and the high security arrangements in the screening centre were necessary if the detainees found a

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home and care there, as he claimed. It was 'for inhibiting riots'.[40] Some months later (in December 2013), in a leaked audio document released to the public, the chief of the Greek Police was heard giving instructions to police officers on how to treat immigrants in detention, allegedly saying: 'We must make their life unbearable'.[41] But, whatever the rational explanations one might seek for the implementation of violence as a means of punishment and intimidation in the new technologies of border surveillance, such violence tends to acquire extraordinary dimensions. How can one justify the installation of razor-sharp barbed wire in the Spanish enclave Melilla, which does not merely inhibit border crossings but causes torturous deaths? What is it, if not the normalisation of the dehumanisation of human beings? (Needless to say, no living being deserves such torture.) There is an intriguing similarity between the violence exercised in immigration detention, as recounted by detainees, and, in '"regular" detentions in asymmetric warfare', as recorded by Laleh Khalili. Using stories recorded from diverse sources, Khalili argues that 'the eruption of violence and torture [are illustrated] not simply as bad behaviour on the part of a few ignorant "bad apples," but through a systematic leakage of violence across boundaries of legality'.[42] The reshaping of the boundaries of legality in exercising violence may emerge as a feature of the novel paradigm of immigration imprisonment. And, the rising dynamics of violence evoke the impression that Bauman's term 'wasted lives' used to illustrate the valuelessness ascribed to immigrants and refugees in the current global order, is more than a powerful metaphor.

In the contemporary landscape, migration imprisonment also produces vulnerable individuals the flexibility of whose status works for the benefit of the domestic society. Viewing the overall landscape of border surveillance and imprisonment, 'flexible status' outside prison is preferable to long-lasting detention and/or expulsion from the country, and is sought as a chance for moving away. Such a flexible status is conferred by 'the administrative expulsion order' that is perceived by immigrants and refugees who arrive at Lesvos as licence for moving legally in/through the country for a short period, facilitating a transition into the 'grey' area. The fact, however, remains that even after leaving the screening centre or the open reception centre, such movement will be clandestine. Clandestinity is a precarious (though the most viable) option for movement in the grey zone, keeping up migrants' hope that they may achieve the regulation of their residence status when conditions allow.

Conclusion

The case examined here of the internment of refugees and undocumented immigrants on the Aegean island of Lesvos demonstrates that global developments are not simply reflected at the local level, but can also be negotiated to some degree, according to local rules. The establishment of an open reception centre

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like PIKPA under the umbrella of civil society eventually became possible due to specific local features including the grassroots movement and the marginal position of the island in the Greek national-political geography. Indeed, as a maritime border area, Lesvos has a distinctly marginal position in terms of infrastructure, a result of the lopsided Greek state apparatus that has for several decades disadvantaged the border regions.

By and large, the 'short summer' of the civil-society administered open reception centre PIKPA indicates that there are other ways to deal with border crossers than detention. At the same time, however, it reveals the limits to alternative action that become evident as soon as activism encounters power rationalities either authoritative or bearing positive features as soon as they are incorporated into humanitarian – but not least hegemonic – regimes. In the case of immigrants and refugees, it is the weakening of the institutional condition for refugee recognition that determines the strategies available to them, imposing the framework and the limits within which they can act. It is the very weakening of the refugee condition that can make imprisonment appear as a right, when the object is not protection, but rather how to find a way to move in the 'grey zone'; how to gain even the insecurity of a flexible status after having escaped a deadly and dangerous journey, and avoid the humiliating conditions of lengthy detention, deportation and removal.

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