

Human Mobility Control Dynamics and Securitarian Infrastructure of Borders

Dinámicas de control de la movilidad humana e infraestructura securitaria de las fronteras

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ABSTRACT

The purpose of this article is to show how the political discourse of danger and control of migratory flows in the Global North has transformed the Westphalian concept of border linked to territory, expanding its scope of action within countries and extraterritorially to anticipate threats. Thus, we will analyze some of the technological, bureaucratic, and legal-punitive devices deployed in the border areas from the outlook of the theoretical proposals of the critical border studies approach, focusing on the exceptionality of the actions of sovereign power and/or daily securitarian practices. Through these approaches, borders can be understood as a complex and articulated security network at several levels, where exceptional and routine dynamics are implemented involving numerous actors in their various dimensions, normalizing violence on migrants and refugees, who will become *homo sacer*.

Keywords: 1. borders, 2. Global North, 3. Global South, 4. migration control, 5. *homo sacer*.

RESUMEN

A través de este artículo se pretende mostrar cómo el discurso político del peligro y del control de flujos migratorios en el Norte Global ha transformado la noción westfaliana de frontera ligada al territorio, extendiendo su campo de acción al interior de los países y extraterritorialmente para anticiparse a las amenazas. Así pues, desde las propuestas teóricas de los Estudios Críticos de Frontera se examinan algunos de los dispositivos tecnológicos, burocráticos y normativo-punitivos desplegados en los espacios fronterizos, centrándose en la excepcionalidad de las acciones del poder soberano y/o en las prácticas securitarias cotidianas. Mediante estos enfoques, las fronteras podrán comprenderse como un entramado de seguridad complejo y articulado en varios niveles, donde se implementan dinámicas excepcionales y rutinarias que involucran a numerosos actores en sus distintas dimensiones, normalizando la violencia sobre las personas migrantes y refugiadas, quienes adquirirán el carácter de *homo sacer*.

Palabras clave: 1. fronteras, 2. Norte Global, 3. Sur Global, 4. control migratorio, 5. *homo sacer*.

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INTRODUCTION

Ever since the instauration of the Westphalian order which led to the birth of the modern State in the XVII century and its later generalization in the contemporary occidental world, borders have played a fundamental strategic role in diplomatic relationships between countries, being definitively imposed on the territory as a requirement for State sovereignty and guarantee of their independence (González, Sánchez, & Andrés, 1992; Villacañas de Castro, 2008).

In this way, when the French idea of Nation disseminated, the national State that would encompass peoples within a common territory (Arriaga-Rodríguez, 2011) definitively substituted the mediaeval State, and turned into the symbol of the hegemony of sovereign power. Hence, borders surpassed their exclusive value as limits and started to represent a geopolitical reality where the concretions of territorial struggles materialized in a specific place and would have to abide by international legal regulations (Bigo, 2014; Díez-Torre, 2016). Then, technical and scientific advances in the field of cartography became an essential instrument to define spaces, as they visually expressed how far the realms of occidental nations stretched (Mendiola, 2012; Branch, 2014; Rodríguez Ortiz, 2014).

Borders, therefore, separate two territorial sovereignties defined by the area of authority of each nation, which has the power to prevent other countries to penetrate it by virtue of the exclusive and legitimate monopoly of force (González et al., 1992); borders, as well, disclose the desire for security in the face of fears of war (Mellor, 1989, p. 74). This need to maintain order and control within a common territory (O'Dowd, 2003) implies that the sovereign states' fortification structures (materialized in walls, fences and other physical barriers) organize the mental landscapes that produce proper political and cultural identities (Brown, 2015), which become parts of what is known as an "imaginary geography" (Said, 2008, p. 87).

In that regard, borders have to be also understood "within the contextual and discursive meanings which generate and are generated by the built environment" (Brown, 2015, p. 76). This allows making a "border interpretation of the world" (Sampedro Saez & Salvador Caja, 1991, p. 13), by means of which civilizations can be understood as border structures interwoven in the space and time that define the relationships of actors in the social system, as well as their practices and discourses. Such elements, naturally incorporated in the space imagination, have acquired a different signification in each stage of their existence (Braudel, 1993; Brown, 2015), whose discerning demands to make a hermeneutic deconstruction that allows deciphering the historicity, scope of current rhetoric or ideas that have restricted the States' actuation capacity (Arriola, 2016).

According to Castan Pinos (2014), at present, borders are the ultimate expression of the magnitude of sovereign power, however they also display their limits in the protection of national interests. In point of fact, in the late decades of the 20th century and the first of the 21st, the phenomenon of neoliberal globalization, internationalization of armed conflicts, actions of terrorist groups or criminal organizations and also migration flows, as a whole, have created a new dimension of the States' sovereignty (Beck, 2008; Hernando Nieto, 2008), which demanded to set up other forms of territorial organization (Newman, 2003).

Indeed, in the mid 1980's, the main migration-recipient regions of the Global North started to develop policies that contemplated coordination between countries in order to tighten the control of their borders in the face of recognized security risks—including irregular displacements of people—, producing innovative experiences of cross-border police cooperation.² This aspect became acuter after the September 11 attacks, 2001, when human mobility was raised to the status of emergency, associating individuals from the Global South (particularly from the Middle East) with international terrorism and organized crime structures. As a result, securitarian imperatives were placed before liberal-democratic principles and sovereignty was reestablished by means of militarized nationalism, which reaffirmed the defense of borders (Mbembe, 2005; Brown, 2015; Tapia Ladino, 2017), in such manner that these broaden their meaning in political, strategic and symbolic terms (Alvites Baiadera, 2019).

In this context, building more walls, using military-industry devices or setting up immigration regulations that act as legal barriers, staged the sovereign power that was deployed within the countries and abroad, displacing the control of their borders to remote places via less visible juxtaposed surveillance mechanisms that transcended physical barriers (Cooper & Perkins, 2014; Sánchez-Variloque, 2014).

NEW THEORETICAL PERSPECTIVES AND THEIR LIMITATIONS

The evolutionary process of contemporary borders (Konrad, 2015; Tapia Ladino, 2017), generated after the reformulation of the spheres of security and the agents involved (Balzacq, Basaran, Bigo, Guittet, & Olsson, 2017), contributed to a paradigm shift that originated the appearance of various theoretical trends which suggested that borders had to be examined as spatially overlapped sociopolitical processes, not mere geopolitical physical lines (Cooper & Perkins, 2014). Then, the need, pointed out by Lapid, of revising borders beyond the “Westphalian territorialist epistemology” (2001, p. 8) that dominated occidental thinking for long time, extrapolating the conceptual innovations, logics and imaginations that served to assimilate its changing perspective (Parker & Vaughan-Williams, 2009).

Precisely, one of the most relevant contributions in this field is the one from Critical Border Studies (whose area of interest is shared by Critical Security Studies),³ which have developed two

² In the European context, the creation of the Schengen Area for the free circulation of goods and people allowed broadening the functions of the intergovernmental network of TREVI group, which was created in the 1970's to fight international crime and control migration by means of border surveillance. While in the United States, the Immigration Reform and Control Act of 1986 (Simpson, 1986) decreed an increase in budget to reinforce the southern border. This process, after the signing of NAFTA in 1992 (which came into force in 1994), was continued years later with Operation Gatekeeper and its following replicas (Segob, 1994).

³ As indicated by González Navas (2013), Critical Border Studies are adjacent to Critical Security Studies and encompass various schools: the Welsh School (Aberystwyth) (which comprises Critical Security Studies in strict sense); the Paris School (based on International political Sociology that coined the term (In)securitization); and, the Copenhagen School (which developed the Securitization theory).

theoretical proposals that encompass border reality as a vast securitarian space (Tabernero Martín, 2013; Sánchez-Variloque, 2014). The first is substantiated in the principles of Schmitt's and Agamben's political philosophy and focuses on the exceptionality of sovereign power. For its part, the second, Foucauldian in nature, focuses on routine securitarian practices.

According to Schmitt and Agamben, the exception appears only when the existing order is altered (Hernando Nieto, 2002), in this way, the State by virtue of its sovereignty will define the measures to be implemented for it to be reestablished (Benavides, 2006). However, as Korstanje (2014) brings to mind in relation to the work of Ignatieff (2005), if one of the State's priority obligations is to deploy all the available resources to safeguard its citizens' rights against the external threats —to the extent of suspending the constitutional guarantees—, such defensive action will simultaneously generate other collateral victims who will experience the severest forms of domination. This pernicious effect is known as "the paradox of sovereignty" (Ignatieff & Gutmann, 2001, pp. 7-28), which implies that sovereign violence is implicit to the functioning of the legal regime, becoming an essential part of it (Benavides, 2006).

By translating this idea to the field of border control, the fact that large state institutions are being diluted by large transnational agents that overpass them (Brown, 2015) turns the exception as a fundamental political structure into the rule, producing a military response to global terrorism and international migration (Agamben, 2005; Mbembe, 2016). Likewise, this premise has been the support of an ethno-racial discourse in which societies in developed countries are to be defended from the threats posed by foreigners (González Navas, 2013), thus justifying the application of urgent migration control measures that make the border a sphere where the legal order is suspended (Tabernero Martín, 2013; San Martín, 2019).

This stance is shared by Vaughan-Williams (2009a, 2009b), who states that new border practices account for exceptional dynamics in an attempt to create an area of sovereignty beyond the national territory, producing a change from a geopolitical horizon to another biopolitical. In this context, not only will there be borders in territorially identifiable places such as ports, airports and other crossing points, they will be less perceivable and in areas that defy a purely territorial logic (Vaughan-Williams, 2009a), projecting toward multiple contexts and creating a network that will interconnect numerous and differentiated places, devices, policies and agents (Tabernero Martín, 2013; Mendiola, 2019).

Such infrastructure of border surveillance operates as an imposing technologic, bureaucratic and diplomatic frontier (Campesi, 2012), where the frontlines of state defense are deployed at three intervention levels (Andrijasevic & Walters, 2010; Jerrems, 2012; González Navas, 2013; Sánchez-Variloque, 2014). This is, at a perimetric level (with a migratory surveillance system supported on biometric control to anticipate threats at the countries' ports of entry); at domestic level (on the basis of population screening processes to detect unwanted individuals, once settled in the state territory); and, at external level (preemptively acting by means of external action and cooperation policies that comprise civil missions and military operations in third countries for the purpose of stopping irregular migration flows before they reach the physical borders). Obviously,

as pointed out by San Martín (2019), “the schema of exceptionality is insufficient to give an account of the juridical and governmental practices at the border” (p. 25).

The second proposal—based on Foucault—states that in the neoliberal governmentality, sovereign power will not appear in exceptional moments, but in the ordinariness of practices (Sánchez-Variloque, 2014).

This is Bigo’s (2008) theoretical viewpoint; the author states that after the S-11 attacks, the need to globalize security disseminated the idea of global (in)security caused by mass destruction threats, evincing the obsolescence of national borders. In view of this, each organization or country, separately or jointly, should try to move the place for the policed control of the flow so as to dissuade the displacements in the place of origin. Such circumstances made the incorporation of other actors necessary, among them law enforcement officials, the army and intelligence services, which were ordered to collaborate and interchange information at international level, producing a process of internationalization of bureaucracies.

As a result of this, a new form of domination appeared with the intention to replace the nation-State in the functions of control and make the border be associated with violence and force by means of a logic of exceptionalism supported on preemptive actions in the face of the threats that arise beyond them. In this structure, the very agents of (in)security were the ones that defined the inclusion/exclusion criteria, while border control devices focused on surveilling the minority previously defined as a threat by risk calculations, allegedly rational, but whose substantiation was sociopolitical actually (Tabernero Martín, 2013).

In this “screening logic” (San Martín, 2019, pp. 22-23), the surveillance of the frontier by means of technologies that foster the free movement of certain individuals and the exclusion of those unwanted became a routine. Therefore, biometric control measures were complemented by public actions that included the use of regulatory instruments, in addition to developing migration policies and regulating the right to asylum (Bigo, 2011). Hence, “Ban-Opticon” was born (Bigo, 2008, p. 32); the product of a model to control migratory flows (not the territories) in which discursive, institutional, spatial, juridical and administrative elements overlap (Mendiola, 2012).

However, the difficulty posed by both approaches is increasing confusion between “state of exception” and “rule of law”, since the regulation may be suspended in pursuit of guaranteeing the governmental regime (Mendiola, 2012, p. 449). Certainly, Balzacq et al. (2017) warn that studies focused on the relationships between the law, security and liberties have been framed through the lens of exception, when, for example, migration legislations do not have such nature, but take place in the context of common law; ergo, governments use this juridical instrument to identify and pinpoint those who will be dealt with as social problems beforehand.

For this reason, Campesi (2012) adopts an intermediate stance, as for him exceptionality normalizes without ceasing to be exceptional, for discourses are oriented to emphasize the threat summoning the suspension of the ordinary legal-political framework, which by means of securitarian practices is slowly eroded, making room for a sort of “permanent low-intensity state of exception” (Campesi, 2012, p. 11). From the above, it is deduced that borders are spaces where

the biopolitical control of the nation-State territory by the government is institutionalized and normalized, and where the actions of such nation-State, far from implying the suspension of the law, are the very expression of its threshold (Salter, 2008).

The Securitarian Infrastructure of the Borders at the Three Intervention Levels

The strengthening of governmental collaboration in the globalized spaces has favored the consolidation of a model of migration control and border surveillance that resorts to the use of technology in an integral manner (Balzacq et al., 2017). The result is a superstructure of “smart borders” (Bigo, 2011, p. 3) in which political limits and instruments that incorporate technical innovations at the service of control prevail. These are tools that mechanize the gathering of information and promote the interchange of digital data from body sources (Bigo, 2014; Schindel, 2018), such as biometric facial recognition, fingerprints, identity card readers, electronic visas or automated inspections.

Although initially biometric identification was designed to be exclusively applied in the military sphere, after the 9/11 attacks, its use was generalized at the ports of entry in US airports (Cruz, 2016) as it was an infallible detection method that resorts to the individuals’ unique morphologic and biologic characteristics. It is plain to see, as pointed out by Schindel (2018), that the recognition of the passengers’ iris by means of photographic devices prevents falsifications, forgery, identity theft or the use of various identities. In this way, the U.S. Department of Homeland Security was able to immediately verify if a traveler was included in a list of alleged terrorists and criminals and offenders of the U.S. legislation. This aspect made a difference from the organic life early detection systems used in the fences, checkpoints or hard-to-reach areas, among which one finds drones, aerostats, infrared systems, stationary or mobile radars, and satellite communication (Thales, n. d.).

In this way, the US-VISIT⁴ program gathered and analyzed such information up to its substitution in February 2013 by OBIM⁵ [U. S. Department of Homeland Security (DHS), 2020]. Likewise, this repository, the most extensive of the U.S. government, has facilitated the inspections carried out at the border by agents with U.S. Customs and Border Protection (CBP). Hence, DHS officials now have the power to determine the admissibility or inadmissibility of aliens, defining who may benefit from a voluntary return⁶ (with the possibility to reenter the U.S.), who will be

⁴ United States Visitor and Immigration Status Indicator Technology.

⁵ OBIM: the Office of Biometric Identity Management administrates the technology to gather and store biometric data, it also analyzes and updates such data, thus ensuring their integrity.

⁶ Applicable as long as they have not committed a crime and can be ordered by a judge over the hearing or previously by DHS functionaries.

processed for expedite removal⁷ (in cases of entry without valid documents, fraud and forgery), or else, to be removed by means of an immigration judge order (Simanski & Sapp, 2012).

In the European sphere there were similar experiences. For instance, the “EURODAC” regulation [*Regulation (CE) 2725/2000*]⁸ was devised by the end of 2000 and its setting into motion was approved two years later with a view to facilitating the application of Dublin II Regulation⁹ [*Regulation (CE) 343/2003; Regulation (UE) 2021/1152*]. Through this system, community countries might exercise control upon asylum seekers and people intercepted in their irregular crossing of the external E.U. borders, resorting to interchanging dactyloscopic databases to expedite fingerprint comparison [Ministerio del Interior, 2002; *Regulation (UE) 1077/2011*]. Later on, for the purpose of improving the effectiveness and efficiency of inspections within the Schengen Area, the second-generation information devices SIS II¹⁰ and VIS¹¹ were incorporated; they promote interaction between custom agents, those in charge of issuing visas, law enforcement authorities and security bodies [*Regulation (CE) 2725/2000*].

Another recent project that will serve the securitarian endeavor to control arrivals and departures by means of the future EES¹² Biometric system, is sBMS¹³ (IDEMIA, 2020), under the responsibility of eu-LISA¹⁴ Agency (Jurviste, 2018) to record fingerprints and facial images of more than 400 million people from third countries (Carrizo Aguado, 2020; EuroEFE, 2020; IDEMIA, 2020). In like manner, for the purpose of identifying possible threats and associated dangers, the interoperability of all these community mechanisms has been fostered¹⁵ [*Regulation (UE) 2019/817*], and their action scope has been broadened by means of ETIAS,¹⁶ which controls visitors who do not need a visa to enter Europe, and ECRIS-TCN,¹⁷ which enables assessing whether the presence of aliens in the territory of member-States may pose a risk, if they are a source of “illegal” immigration or may increase the risk of an epidemic [*Regulation (UE) 2021/1152; ETIAS, 2021*].

⁷ Under these suppositions, aliens do not have the right to a hearing in an immigration court; however, they can seek asylum or state they have a legal status in the country.

⁸ This regulation was derogated on July 19, 2015.

⁹ Derogated on July 2013 and replaced by Dublin III Regulation ruled by *Regulation (UE) 604/2013*.

¹⁰ Second-generation Schengen Information System.

¹¹ Visa Information System (VIS).

¹² Entry/Exit System (EES).

¹³ The project called Shared Biometric Matching Service (sBMS), whose full functioning is expected by 2023, will be developed by French firms IDEMIA and Sopra.

¹⁴ European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice.

¹⁵ These services are supported by the European Search Portal (ESP), the Shared Biometric Matching Service (sBMS), the Common Record of Identity Data (CRID), and the Multiple Identity Detector (MID).

¹⁶ European Travel Information and Authorization System.

¹⁷ European Criminal Records Information System-Third Country Nationals.

The result is that only in 2020, the E.U. managed to collect the biometric data of 218 million migrants, asylum seekers and visa applicants, which besides gathered information on the mobility of 500 million European citizens. In like manner, it is contemplated that the records of more than 350 million people are unified in the system CIR,¹⁸ which will be available to all the E.U. border and police authorities (Berrio et al., 2020).

To sum up, these sophisticated infrastructure items for communication and data interchange are a “selective screen for mobility” (Mezzadra & Neilson, 2014, pp. 14-15) at the frontiers of the territory and operate as discriminating walls to separate on the basis of classifying criteria defined by power relations that control and invigilate, thus giving the sovereign authority “the prerogative of including [and] protecting, or not, the individual who crosses” (Schindel, 2018, p. 13). Such infrastructure will be politicized and subjected to various scales of sociocultural racism or certain economic imperatives that, in the context of exceptionality, will be highly visible in those considered threats (that is, “undesirables”), while invisible in individuals considered more productive (Jerrems, 2012, p. 175; Brown, 2015).

However, once the interior of a state territory is reached, technology also serves to categorize aliens in the same political-legal sphere, applying certain public-order criteria (Vaughan-Williams, 2009a) that especially affect those subjected to ethnical and racial conditionings (Jerrems, 2012; Sánchez-Variloque, 2014), and which imply the imposition of bureaucratic, regulatory or normative barriers that condition the legal status of foreigners.

The internal borders that define differences between citizens and foreigners (Rodríguez, 2016) enable them to reaffirm and reproduce territorial sovereignty by means of extraordinary control procedures such as police operations and operations to carry out selective raids and detentions based on ethnical/racial profiles, plus mass removals (Cornelisse, 2010). In this way, governments configure “deportable” subjects (De Genova, 2002, p. 420) automatically turning them into external individuals for the dual purpose of dissuading irregular migrations (Cassarino, 2004) and strengthening the confidence of public opinion in state institutions (Walters, 2002).

An instance may be Secure Communities Program (2008-2014/2017-2021),¹⁹ which transformed and modernized the processes and systems of detection and removal of criminal aliens in the United States, by authorizing U.S. Immigration and Customs Enforcement (ICE) to use automated biometric consultations to identify, classify, and prioritize removals, on the basis of the risk posed by these individuals according to three dangerousness levels (ICE, 2009).²⁰

In this case, once again, interoperability played an essential role, since state and local agencies authorized by Program 287(g) (ICE, 2021) to detain migrants who have committed a criminal

¹⁸ Common Identity Repository.

¹⁹ The program was interrupted in 2015, reactivated in Trump’s administration and concluded in January 2021 after Joe Biden’s assumption of power.

²⁰ Level 1 included violent crimes against people or those related to large-scale drug trafficking; level 2, crimes against property and related to possession and dealing of drugs; and, level 3, those related to public disorders, driving under the influence, or other misdemeanors.

offense had to interchange data regarding the migration status of these individuals with federal immigration agents before being transferred to a jail (DHS, n. d.). Once imprisoned, their fingerprints were taken, digitalized and sent to the Federal Bureau of Intelligence (FBI) to be stored in a database. Later on, this organism would verify the existence of criminal records and such information would be returned to the state or local police; meanwhile, the digitalized fingerprints were sent to DHS so that ICE verified whether an individual was eligible for removal (ICE, 2009).

As it is known, this program was developed during the financial crisis (2008-2014) and served to launch a siege strategy against foreigners with a determinate racial profile, especially against Mexican migrant workers with an irregular status, who largely had traffic infractions and/or had committed misdemeanors (Alarcón & Becerra, 2012). This reaped large benefits for privately-owned federal prisons, whose detention centers are outsourced to retain migrants and asylum seekers before deportation; in such places their human rights are at risk of being seriously infringed (Naciones Unidas, 2021).

For Cornelisse (2010) and Barone (2015), detention and imprisonment in detention centers for aliens are measures that replicate the borders inside the state territory, which act as a remedy against the anomalous presence of undocumented individuals, in this way, they are the expression of the borders' prolongation (when they are arrested while crossing), or threshold (if they are intercepted once in the country). Moreover, in these spaces the surveillance of border perimeters is complemented with social control, as a form of exclusion and denial of fundamental rights, which means that such policies and practices of systemic oppression that attack the basic principles of human dignity are instruments that proscribe migrants and asylum seekers, subjecting them to continual violence in legal, psychological and physical spheres (Rodríguez, 2016; Kalir, 2020).

Well now, mass detentions also take place in other wait spaces (Balzacq et al., 2017; Kalir, 2020); for example, in the recipient and registration sites, which are managed by international organisms inside the sovereign territory. In them, mainly because of the conditions upon arrival (overcrowded spaces due to high concentration of people and lack of infrastructure) and deficient asylum systems (that delay processes for months and even years), people remain imprisoned living with no expectations and/or situations of extreme vulnerability (Campesi, 2020).

This is the case of the Greek and Italian *hotspots*²¹ that were created during the so-called “Syrian refugee crisis” for the temporary relocation of asylum seekers (European Commission, n. d.), where, additionally, they are restricted from the right to freedom of movement, residence or work. Such contention practices are reproduced in like manner in public governmental establishments which offer the first humanitarian shelter to migrants with no resources who cross the border irregularly and are entitled to international protection. These same events take place in *Centros de Estancia Temporal de Inmigrantes*, CETI [Temporary Stay Immigrant Centers], in the cities of

²¹ These centers are coordinated by the European Commission, European Asylum Support Office (EASO) and agencies Frontex and Europol, which work inside the member-States at the frontlines with a view to identifying, recording, and take fingerprints of migrants and refugees.

Ceuta and Melilla, at the border between Spain and Morocco, where people are retained until their transference to Spain is authorized; or *Centros de Acogida Temporal de Extranjeros*, CATE [Temporary Shelters for Foreigners] in the Mediterranean coast and the Canary Islands, a territory where those who arrive by ship are immediately locked²² (Iniseg, 2019; Europa Press, 2020; Vargas, 2021).

The strategy of containing migrant and displaced people forced to live in formal refugee camps (Sassen, 2015) may go beyond the sovereign territory by means of diplomatic operations that resort to funds such as Official Development Assistance and cooperation policies in order to be funded, which entail parallel practices of migration control; among them, arrests at the border; the establishment of detention centers for foreigners at ports of entry and migration stations, subscribing agreements of readmission for repatriated individuals, the configuration of “advanced borders” (Colectivo Utopía Contagiosa, 2016, p. 37), and devising “imaginary maritime borders” (Rodríguez, 2021, s. p.).

Effectively, by virtue of migration agreements reached with the E.U., these establishments have been scattered along the Mediterranean region, including countries such as Turkey, Jordan, and Lebanon, which receive community funds and from other countries to accommodate and retain these individuals in non-European territories (Europa Press, 2021). Similarly, centers for humanitarian assistance and migration stations have been installed at the southern Mexican border as per the collaboration agreements entered in recent years by the Mexican and U.S. governments so as to stop transit migration mostly from the Northern Triangle of Central America (Honduras, Guatemala, and El Salvador).

At once, mass detentions and removals of people in the caravans from Central America have been prioritized, while asylum seekers have been forced to “remain in Mexico” under the Migrant Protection Protocols (MMP), making the Mexican territory the advanced border of the United States (Bobes, 2019; Ortega Velázquez, 2020; Ruiz Soto, 2020). A similar stance is that of Morocco, which because of its “advanced statute” in relations with the European Union (Rodier, 2013, p. 93), has taken up the control of the borders of Ceuta and Melilla. This measure has implied the persecution of sub-Saharan migrants and refugees, who gather in urban settlements and forest camps close to the fences, and the legitimization, by Spanish authorities, of practicing pushbacks and collective summary removals, acting against the principles and guidelines of human rights protection recommended for international borders [UN High Commissioner for Human Rights (ACNUDH), 2015; El Bakkali, 2019].

Likewise, the militarization of Spanish protocols to coordinate the rescue of vessels under the single command of *Guardia Civil* [Civil Guard] in the Strait of Gibraltar has fixed a no-intervention invisible border line in parallel 35° 50 in the Alboran Sea, between the coasts of Spain and Morocco in northern Africa. As a result, not only have aid interventions by the Maritime Safety and Rescue

²² At present, there are five centers with these characteristics in Spain: San Roque-Algeciras (Cádiz); Almería, Cartagena (Murcia); Motril (Granada); and Barranco Seco (Gran Canaria). In 2021, funds were received to enhance this system with other two mobile CATEs.

Society been hindered and/or prevented beyond this area (delegating these functions to the Moroccan Navy), but also has been a factor to reactivate the dangerous Atlantic route toward the Canary Islands (Dirección General de la Guardia Civil, 2018; Rodríguez, 2021).

From the standpoint of the national security doctrine, the varied interrelation of current geostrategic challenges forces the nation-States to fight, resorting to multiple methods, transnational risks and threats that evolve in the interconnected open spaces, for the purpose of preventing them from disseminating and potentiating their adverse effects [Departamento de Seguridad Nacional (DSN), 2013]. This explains, for example the presence of the United States Africa Command (AFRICOM) and that of Spanish or French armed forces in the Sahel, which at once, partake of E.U. and UN missions with a view of hindering the advance of Islamic extremism, while they dissuade and contain irregular migration flows by means of combatting criminal networks linked to human and drug trafficking and gunrunning (Bordonado, 2016; Departamento de Seguridad Nacional [DSN, 2020].

These military intervention actions bring back the classic tactics of colonial expansion, as they intend to avoid direct conflict with the “enemy” by means of deploying and unfolding soldiers and barracks that operate as an imagined contention wall; thereby, overlooking the regulatory principles of international affairs (Bauman, 2001; Colectivo Utopia Contagiosa, 2016; Balzacq et al., 2017). Owing to this, migration control operations abroad project, in like manner, borders to the outside, resorting to the establishment of force corridors in sovereign third countries. From here, it is stated that, in the history of imperialism, the externalization of the frontier has been consolidated as a fundamental element that “has made it possible [as well] the production of the ‘third world’ as a zone of exception” (Biswas & Nair, 2009, pp. 181-182).

Homo Sacer and Migrant Lives Crossed by Borders

As exposed thus far, borders have become a universal control device that integrates a wide variety of practices and artifacts (Velasco, 2020), which account for the complex securitarian structures that stage the battle of the Global North against mass and irregular migration from the Global South. Consequently, the pressing need to create new fortifications to exercise greater control on unwanted people at domestic and international level has produced the “generalization of the state of exception” (Brown, 2015, p. 104), which reveals a prison regime that opposes the promise of coexisting in a globally connected and liberal world.

The current panorama in the sphere of security has transformed the territorial logic of the nation-State’s sovereign power so much that the border now “is (...) the place where an unwanted subject is identified” (Agier, 2011, p. 4). Therefore, the bodies of irregular migrants and refugees due to displacement (or those of people detained and removed) also “experience borders forcefully” (Agier, 2014, p. 71) for they are condemned to lead an errant life in clandestinity before (and after) crossing these borders, turning them into the *homo sacer* due to parallelism (González Navas, 2013, p. 11; Andersson, 2014, p. 142).

Homo sacer was a banning ritual that took place in the archaic period of Roman Law (Barrio de la Fuente, 1994), which was retrieved by Agamben (2006) as a paradigmatic figure of the nude life trapped in the interdiction of the sovereign authority (O'Donoghue, 2015). Under the Roman Law, publicly decreeing a “Sacred man” was a punishment for anyone who had committed a crime, endangering the structural bases of society and the harmony of religious community. Such sentence implied ejection from the group and social rejection toward the individual; in this way, the subject was stripped of their human condition and virtually left to their fate. In this way, although it did not entail a summary execution in the eyes of the people, the individual could be murdered at any time, and the only way to prevent their own death was to flee toward strange lands (Barrio de la Fuente, 1994; Schindel, 2017).

Analogously, the current regime of surveillance of migration movements replicates this ancestral logic that excludes certain lives from the political system by including them into the legal order (Agamben, 2006; Biswas and Nair, 2009; Arroyo, 2016). Thereby, this liminal situation, where power is at one end of legality and simultaneously maintains this legality (Mendiola, 2019) shows that it is possible to legalize the violence exercised on migrants and refugees at international borders (Browne, n. d.) turning them into “human-rights exclusion, or exception, areas” (ACNUDH, 2015, p. iii).

This stance is shared by Andersson (2014), for whom policies to control entrances reveal the vulnerability of individuals who furtively cross the borders when they are subject to the discretion of the sovereign decision of “letting them die” (due to inaction or omission to help when they are in danger) or “letting them live” (from the governmental and non-governmental interventions to rescue them as well as humanitarian aid, supported on state and supranational funds). That is to say, the nude life with no rights is exposed to risk and protection alike by the same security mechanisms (Pereyra Tissera, 2011). Though, the exceptionalism that leads to Agamben’s “inclusion / exclusion” binomial also disseminates in detention centers for foreigners, as they are left outside the usual legal framework of the liberal state, nevertheless their lives inside the country are strictly defined and restricted by the law (Cornelisse, 2010, p. 244).

However, one of the most important criticisms to Agamben’s theoretical proposal is that it is excessively abstract when it takes a Eurocentric, ahistorical and depoliticized vision of the complex networks created around migration governance. Consequently, this approach does not deepen into the various power levels that operate at the borders, nor is explored the colonial root of the underlying racist practices that dehumanize and deprive certain people of their rights owing to their belonging to a race / ethnicity, making reclusion and deportation essential control tools (Mezzadra & Neilson, 2017; Mellino, 2021).

As stated by Mellino (2021), bringing the figure of *homo sacer* to the present heeding only the context of Roman Law as an occidental paradigm avoids the importance colonialism had on the production of various modes of disposing of lives based on racial criteria. A clear example is the events of the imperialist expansion wars of large global powers in Africa, in which they resorted to reclusion mechanisms such as concentration camps established in occupied territories. In point of fact, these served as devices to contain and separate human beings, in addition to using

elimination systems based on extradition or subjecting the prisoners to extreme life conditions (Zauritz Sepúlveda, 2019). Mbembe (2016) underscores that these repression policies now have been replaced by other forms of racism redefined in the context of global geography, whose brutal methods are executed by means of institutions that act as a projection of the nation-State, entailing the suspension of rights and protecting guarantees of migrants and refugees, who are *a priori* characterized as suspects.

Furthermore, even if it is true there are features that reveal a theological dimension of state sovereignty in the core of modern institutions (Brown, 2015), this aspect does not imply these are their prolongation or meant what they did in the past (Mellino, 2021, p. 152). More so, it is convenient to bring to mind that due to the laicization of Roman Law, the sacred element of *lex horrendi carminis* that entailed the interruption of all the processual guarantees of the prisoner called *homo sacer* gradually lost importance in the penal sphere up to becoming disused after the arrival of the Republic (Pérez Carrani, 2019, 2020).

Finally, Schindel (2017) states that Agamben's category of nude life has to be extended beyond the arbitrariness of sovereign power, for migrants and refugees in transit and deportees trapped at the border spaces are conducted via abandonment toward contexts in which they have to face situations of defenselessness, extreme poverty and marginalization. Well now, considering them mere passive subjects does not allow recognizing the existence of unwillingness spheres in these places either, where adaption strategies and struggle movements that contest the national sovereignty systems develop (Mezzadra & Neilson, 2017). That is to say, "sliding toward nude life does not only come from a strategy of power, but it is reused and re-signified in terms of challenge and resistance" (Schindel, 2017, p. 26).

All in all, and despite the recognition of its epistemological limits (Mellino, 2021), the concept of *homo sacer* is a fundamental contribution to the analysis of the border control regime, for in virtue of this, the categories upon which the modern nation-State is supported in function of and forced by the principles of international law to "protect, respect and make the human rights of all migrants at the borders effective" are questioned (ACNUDH, 2015, p. v). Ergo, such fundamental categories require that nude life is not severed and excluded from the legal order, they have to be renewed via the protective shelter of human rights (Agamben, 2006); the issue becomes a chimaera, as in order to reach this goal at a global level, the national components and the nations themselves would have to be obviated (Ignatieff & Gutmann, 2001).

CONCLUSIONS

As it has been verified, the comprehension of the current meaning of borders needs to take into account the recent economic, political and social contexts in which they are intertwined. Without a doubt, the rhetoric of fear and the doctrine of national security after the September 11 attacks, which disseminated globally, made the borders acquire new political, symbolical and strategical meanings. Likewise, the phenomenon of economic globalization and transnationalization contributed to the consolidation of a securitarian regime, whose actuation lines operate at an

internal, perimetric, and external dimension, thus broadening the consecrated Westphalian concept of border, exclusively linked to national territory.

Owing to this, the theoretical perspectives of Border Critical Studies offer a broader analysis framework to observe the border reality as an integral security space, either from the standpoint of Schmitt and Agamben (focused on the exceptionality of sovereign power actions), or Foucault's (substantiated in everyday securitarian practices). In this sense, it is worth taking an intermediate stance, since at the borders various forms of violence have been normalized, since the liminal position of political power allows acting outside the law overlooking the ruling principles for the protection of the human rights of migrants in situations of vulnerability, in the context of the legal system.

For its part, the warmongering conception of borders implicitly carries a safeguard image before the threats posed by foreigners, embodied in the enemy, a delinquent or a terrorist. On these grounds, the strategy of anticipating their entrance by means of control externalization indicates that the exception has turned into a substantial political structure by controlling human mobility, intensifying the use of military technology, incorporating law-enforcement and administrative preemptive contention mechanisms, as well as diplomatic actions. Therefore, usual architectural barriers, defensive, bureaucratic or regulatory-punitive devices have been added by the development of policies and external-action programs, favored by the celebration of bilateral and cooperation memoranda between adjoining countries, favoring the displacement of borders toward areas of great geostrategic importance.

In like manner, the securitarian and economic imperatives have implied the design of migration management models that use screening systems for people who are treated as goods or surplus, legally discarding those deemed "undesirable", who are denied the right to enter or settle in their territories. In this way, once they are sent toward a nude life with no rights, people are deprived of liberty, accomplishing social exclusion in places that work as a threshold or prolongation of the borders, and also of their suffering. Moreover, the normalization of the exceptional measure of migration detentions and removals has fostered the business model of security, defense industry and jail administration, which undertake border surveillance and migration control tasks by appointment of the States.

Finally, these discriminating circumstances are also extended to the wait areas created in transit countries, which engage in concentrating irregular migrants with no resources, who are entitled to international protection, creating recurrent blocks and reductions to their human rights. This aspect exacerbates in cases of people in transit or deportees, as they are trapped in a sort of limbo at border spaces, where, save for the solidary action of pro-migrant and humanitarian aid organizations, their expectations are reduced to mere survival, exposing their bodies to indigence and violence from criminal agents, police forces and border control, or else are driven to escape risking the only thing they have left, their own lives.

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