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Telling ‘more complex stories’ of European integration: how a sociotechnical perspective can help explain administrative continuity in the Common European Asylum System

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ABSTRACT



This article tries to explain an apparent paradox in the Common European Asylum System (CEAS): despite political stalemate over CEAS legislative reform and lack of trust amongst MSs, administrative cooperation shows operational continuity. Drawing on the ‘Infrastructural Europeanism’ approach, we argue that a sociotechnical perspective allows detecting the material means that operationally provide continuity to administrative action, despite policy gaps. It reveals mediating agency exerted by less visible actors who are nevertheless crucial to the integration process. Through a sociotechnical lens, alleged integration failures – like in the post-2015 asylum crisis – can reveal operational cooperation not visible if only legislative outcomes are taken into account. Empirically, the article shows how the International Organization for Migration assumed a role in mediating relocations between MSs, overcoming an implementation gap in health data circulation, thanks to its data infrastructure able to prompt data production, harmonise administrative standardisation and build continuity in time.

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Introduction

An apparent paradox characterises the contemporary Common European Asylum System (CEAS): although the CEAS legal reform struggles to advance and the system is said to present insurmountable limitations, operational implementation continues at the level of administrative cooperation. The CEAS is indeed suffering from distributional conflicts, lack of mutual trust

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and effective cooperation, particularly about responsibility-sharing among member states (MSs) (Thym, 2022; Zaun & Ripoll Servent, 2022). While the Dublin III regulation (Regulation (EU) No 604/2013), considered the cornerstone of the CEAS,¹ establishes the criteria and mechanisms for determining which member state (MS) is responsible for examining an application for international protection and, as one of last albeit relevant criteria ex Art. 13 (1), ultimately allocates the responsibility for asylum requests to the country of first entry, it does not provide for automatic responsibility-sharing mechanisms to compensate the workload on countries of first entry in case of high and sudden inflows. This situation in 2016 prompted the Commission to initiate a legislative reform of the CEAS and of the responsibility allocation system, which nevertheless is lagging since summer 2018 (Zaun, 2022). Nor has much changed since the launch of the EU Pact on Migration and asylum in September 2020 (De Bruycker, 2022). This policy stalemate has brought Zaun to suggest that ‘the Dublin III Regulation clearly failed’ (Zaun, 2018, p. 44).

While Zaun’s assessment may be justified if we consider policy outcomes alone, taking into account administrative processes could suggest a partially different evaluation. Administrative cooperation required by temporary and exceptional measures operationally continues despite legal drawbacks: in the last years, a number of non-legally binding operational measures aimed to redistribute asylum seekers have been implemented. After the end of the exceptional relocations introduced by Council Decisions 2015/1523 and 2015/1601, in 2018 and early 2019, ad-hoc disembarkations and relocation arrangements from Italy and Malta involved the EU Commission with a limited number of MSs on a voluntary and secretive basis (Carrera & Cortinovia, 2019a). National asylum authorities are deeply involved in transnational asylum activities, testifying the ‘conflictual and yet deeply integrated character of the asylum administrative field’ (Schneider & Nieswandt, 2018, p. 16). Despite their limits (Carrera & Cortinovia, 2019a, 2022; Cusumano & Gombeer, 2020; Nielsen, 2022), these flexible measures seem to assure operational continuity in the administration of CEAS.

This evidence reveals an apparent paradox between legal failure in theory and policy design, on the one hand, and sustained continuity of CEAS administrative activities and operational implementation, on the other hand. How can we make sense of this paradox? How can administrative measures continue despite legal impediments? On what alternative material means is continuity grounded, so that operational activities can bypass policy deadlocks?

This article aims to answer these questions. Throwing light on this paradox could reveal less visible aspects of European integration, if it is true that since 2015 the Area of Freedom, Security and Justice (AFSJ) ‘has become a productive field of EU policy-making’ (Leuffen *et al.*, 2022, p. 493). Since 2015,

when the AFSJ area and in particular the CEAS had to face the so-called ‘migration crisis’, they have been confronted with the evidence that ‘crises are open decision-making situations’ (Schimmelfennig, 2018, p. 969). Whatever the scholars’ verdict – that is, Zaun’s trenchant assessment or the hope that the crisis ‘may [...] trigger reform activities leading to more integration’ (Schimmelfennig, 2018, p. 969) – CEAS is proving a testbed for European integration.

We will try to answer the above questions by unpacking the meaning of ‘operational’ to include sociotechnical dynamics. In doing so we draw on the literature on ‘Infrastructural Europeanism’ (Schipper & Schot, 2011) and insights from the social studies of science and technology (STS). ‘Infrastructural Europeanism’ refers to the ‘hidden integration’ of Europe: operational integration achieved through sociotechnical implementation, rather than by purely policy means. Infrastructural Europeanism suggests that placing more attention on the sociotechnical aspects of integration allows acknowledging more heterogeneous forms of agency than only national governments and supranational bodies. In particular, adopting a sociotechnical perspective is helpful in detecting the material means and mediating actors that operationally provide continuity to administrative action, despite gaps in policy design and its implementation.

By conducting an analysis of an implementation gap in health-data exchange during intra-European transfer of asylum applicants after the 2015 crisis, we test Infrastructural Europeanism’s tenets in the context of the CEAS paradox. In particular, we reconstruct how the International Organization for Migration (IOM) assumed a role in mediating relocations between MSs thanks to the operational continuity ensured by its data management infrastructure Migrant Management and Operational Systems Application (MiMOSA). We show that, while legislative reform does not seem to advance and MSs do not always communicate, data infrastructures developed by non-state actors can assure administrative continuity. Pushing our observation in a sociotechnical direction indeed allows seeing that failures – like in post-2015 relocation – can reveal operational forms of integration that might not be visible if only the legislative transfer of functions between MSs, or between MSs and EU bodies, is taken into account. Furthermore, such a sociotechnical perspective reveals how actors such as non-state actors and international organisations – which are less visible in traditional European integration accounts – can play mediating roles, thus paying attention to overlooked but crucial forms of agency.

Our data collection method initially involved literature and policy review of CEAS failures, followed by interviews conducted from 2018 to 2021 with staff from the IOM Mission in Italy and Malta, the Directorate-General for Migration and Home Affairs of the EU Commission and the Italian Ministry of Interior. Interviews were then triangulated with a broad range of primary sources,

including agreements, data systems technical documents and EU legal texts. Data analysis of this extended corpus was conducted using Computer-Assisted Qualitative Data Analysis Software. Codification adopted an inductive approach, with codes gathered together in code groups according to analytical categories thought to track implementation gaps, administrative controversies and sociotechnical agency as inspired by STS and Infrastructural Europeanism.

Findings show that, complementarily to its global mandate, over the years IOM has been able to carve for itself a distinctive space in the CEAS. By analysing its MiMOSA data platform, we show that such infrastructure has been key for IOM to profile itself as a mediator supporting MSs' relocation activities. More precisely, MiMOSA's affordances in *prompting data production*, *harmonising administrative standardisation* and *building continuity in time* have allowed overcoming an implementation gap in health data circulation among MSs. These sociotechnical affordances have ensured administrative and operational continuity, despite the stalemate in the legislative reform.

In the next section, we discuss the initial paradox in light of the supranational vs. inter-governmental debate, hypothesising that such debate is ill-equipped to account for the paradox because of its main focus on the quality of legislation produced and its harmonisation outcomes. In the following section, we then recall Infrastructural Europeanism's contribution to European integration published in this Journal. It suggests to place more attention to the sociotechnical aspects of integration. This suggestion is justified in light of the correlation between the ability to account for sociotechnical aspects and the ability to uncover more heterogeneous forms of agency. With this framework in mind, the empirical section first discusses a major implementation gap in health data production and exchange during CEAS relocations, a gap inherent to the Dublin regime. The section then analyses how the gap was operationally solved by IOM Mission in Italy and Malta, who raised to the role of mediator of MSs relations thanks to its sociotechnical infrastructure for health data exchange which ensured operational continuity of care.

As specified in the concluding section, we wish to contribute to the European integration scholarship by recovering a sociotechnical perspective on integration. Such a perspective is expected to eventually appreciate less visible agencies and operational forms of European integration. By so doing, we hope to revitalise the dialogue between European integration studies and social studies of technology, especially Infrastructural Europeanism. Furthermore, agreeing with Tsourdi and De Bruycker's claim that 'it is time for migration and asylum lawyers to get acquainted with these technical tools' represented by information systems in use or under discussion in migration and asylum domain (Tsourdi & De Bruycker, 2022, p. 35), we wish to enlarge the focus over the potential implications brought about by

the intricate links involving data infrastructures, non-state actors and legal frameworks.

The European integration research blindspot on the CEAS administrative field

Steered by the interplay of intergovernmental and supranational logics in the EU construction, European integration scholarship has traditionally debated the evolution of the CEAS mainly by focusing on legal harmonisation as a measure of the degree of actual integration. Despite the formal ‘communitarisation’ of the CEAS, scholars have tended to agree on the evidence that the EU never succeeded in moving from the common minimum standards set by first phase laws, to fully harmonised EU asylum standards (Ripoll Servent & Trauner, 2015; Trauner & Ripoll Servent, 2016). Intergovernmental modes of regulating migration and asylum have even been revitalised by the 2015 migration management crisis, due to intense politicisation in MSs constituencies around redistribution of third-country nationals which highlighted the existence of a structural persistent solidarity deficit (Trauner & Ripoll Servent, 2020; Zaun, 2018). Eventually, the 2015 crisis was seen reinforcing intergovernmental logics instead of centralisation, and most efforts at boosting EU-level reforms and supranationalising Europe’s response to the crisis were deemed to have failed (Börzel & Risse, 2018; Biermann *et al.*, 2019; Genschel & Jachtenfuchs, 2018). Failures have become particularly evident in the case of relocation schemes, due to the transit and bystander countries, who are less affected and therefore less in favour of ‘burden sharing’ (Leuffen *et al.*, 2022, p. 353).

While we do not aspire to take position in the intergovernmental vs. supranational debate, we wish instead to expand the focus of analysis. We wonder to what extent the debate has been prone to track non-legislative initiatives taking place at the administrative and operational level. After the conclusion of the two-year relocation schemas introduced by Council Decision 2015/1523 and 2015/1601, a number of non-legally binding operational measures to redistribute asylum seekers have indeed been implemented. In 2018 and early 2019 informal arrangements to disembark and relocate asylum seekers were implemented to break political standoffs due to frontline MSs’ closed-ports policy (ECRE, 2019, p. 3). On 23 September 2019, interior ministers of Italy, Malta, France and Germany adopted the ‘Joint declaration of intent on a controlled emergency procedure’ (so-called Malta declaration) that introduced standard operating procedures for a swift relocation (Carrera & Cortinovis, 2019b). In June 2022, the French presidency of the Council attempted to unlock the CEAS reform to address issues of solidarity and responsibility-sharing by advancing a ‘Declaration on a voluntary solidarity mechanism’ with the ambition of relocating 10,000 people in adhering

MSs (Council of the EU, 2022).² The Declaration was aimed to introduce a novel ‘modus operandi’ and signalled the continuation of operational cooperation and the significance of administrative activities in CEAS.

All in all, the array of administrative measures adopted by the EU since 2015 to prevent the collapse of the CEAS and of the Schengen acquis – for example, when MSs began disrespecting the Dublin rules or reinstalled border control to thwart asylum seekers’ secondary movements – provided CEAS with an additional operational set of tools. Such tools entailed a ‘change in instruments or techniques’ (i.e., the hotspot approach in combination with the 2015 exceptional relocation schemas) while leaving untouched policy content or hierarchy of priorities at the EU level (Trauner, 2016, p. 322).

From a legal perspective, these measures can result worrisome, as they prevent the European Parliament from exercising accountability in line with its role as co-legislator, challenge European integration by easing a ‘cherry picking’ approach by EU governments, undermining the overall coherence of the EU asylum policy, and threaten legal guarantees of solidarity principles and human rights protection (Carrera & Cortinovis, 2019a; Cusumano & Gombeer, 2020). At the same time, these measures seem to empirically confirm Tsourdi’s claims that the CEAS is not merely the legislative rules but also ‘the actors that are meant to implement these rules. Therefore the implementation phase, rather than being distinct, is part and parcel of the system’ (Tsourdi, 2020, p. 201). In accordance with the subsidiarity principle, the CEAS foresees a Europeanisation of legislative and judicial functions, while operating on the assumption that executive functions and administrative discretion remain on MSs’ competent authorities (Schneider & Nieswandt, 2018, p. 18). Therefore, Tsourdi suggests to consider not only the harmonised laws but also the administrative system as part of the CEAS – the system ‘including but not necessarily limited to public administration, as well as private actors such as civil society on asylum matters’ (Tsourdi, 2020, p. 201).

Lahusen & Wacker similarly outline an administrative Dublin space created by regulation that, despite contestations and conflicts, ‘follows its own mode of operation and thus exhibits stability and continuity across time’ (Lahusen & Wacker, 2019, p. 160). According to them, the CEAS advances the Europeanisation of public administrations through formalisation and standardisation of norms, rules but also administrative routines (Lahusen & Wacker, 2019, p. 156). Legislative developments, crises and conflicts alike would be accompanied by a constant ‘structuration and formalisation of administrative cooperation and inter-agency exchange’, and by a deep integration in the asylum administrative field (Schneider & Nieswandt, 2018, p. 16). Again according to Tsourdi, the 2015 EU endeavours brought about ‘elements of transnational administrative cooperation familiar from the Dublin III

regulation, but which were further enhanced', which included deploying EU's asylum agency experts, the European Asylum Support Office, to assist MSs (Tsourdi, 2020, p. 210). From the EU administrative law perspective, a form of integrated administration has emerged in asylum, in which not only national but also and EU bodies entailed the exercise of administrative discretion and forms of joint implementation (Tsourdi & De Bruycker, 2022, p. 3).

This literature suggests that the supranational vs. inter-governmental debate is ill-equipped to account for the initial paradox when its main focus lies on legal outcomes alone. Administrative cooperation qualifies as an important aspect of actual integration. Still, while it contextualises our paradox, this literature does not explain how can administrative measures show continuity vis-a-vis legal fragmentation and stalemate. To answer this question in the next section we introduce a framework focusing on the material means, technologies and infrastructures through which continuity can be built in the CEAS. This framework draws on earlier insights developed by the scholarship on Infrastructural Europeanism to propose a sociotechnical perspective on European integration (although in fields different from the CEAS).

Infrastructural Europeanism and the sociotechnical perspective on European integration

More than 10 years ago, Schot and Schipper (2011) advocated in this Journal the adoption of a sociotechnical perspective on European integration. The article was coeve to the introduction of the 'Infrastructural Europeanism' agenda by the same authors (Schipper & Schot, 2011). According to Infrastructural Europeanism, European integration has historically been achieved not only by policy means, but also thanks to material harmonisation of socio-technical networks. Transport infrastructures have been at the core of invisible but impactful forms of European integration (Kaiser & Schot, 2014). Communication and information technologies have had long-lasting implications for European geopolitics (Fickers & Griset, 2019). Material infrastructures of food provision, war and energy, among others, had a key role in harmonising European modernisation (Högselius *et al.*, 2016). All in all, socio-technical infrastructures have woven the 'hidden integration' of Europe (Misa & Schot, 2005) through material means such as standards, protocols and code.

From a close view, the sociotechnical integration described by Infrastructural Europeanism took mainly place at the administrative and operational level of commercial agreements, expert groups, standard harmonisation, technical documentation. This historical evidence suggests a nexus between sociotechnical³ dynamics and what up to now we have labelled administrative or 'operational' processes. Such processes rely on technical

infrastructures. This was one of the main intuitions of Michel Foucault, who conceived of administrative procedures as technologies of ordering (2009). Similarly, (Pelizza & Hoppe, 2018) recalled that operational processes are supported by material means which entail specific possibilities and constraints to action (i.e., affordances). This insight can help to qualify the initial question (i.e., ‘How can we make sense of the paradox in CEAS between policy fragmentation and continuing operational activity?’). If specific material means entail specific possibilities and constraints, then we might hypothesise that operational processes make use of material means that support continuity. We will demonstrate this hypothesis in the next section.

Among the many insights that Infrastructural Europeanism has borrowed from STS, one further justifies the suggestion to place more attention on sociotechnical aspects in order to explain the CEAS paradox. Social studies of technology tend to see a correlation between the researchers’ ability to account for sociotechnical aspects and their capability to acknowledge overlooked actors (see, e.g., Oudshoorn, 2011). Infrastructural Europeanism has similarly shown that the ability to uncover sociotechnical aspects of European integration and the ability to see the involvement of non-state actors go hand in hand. European integration was pursued not only by policy-makers through policy but also by experts and cartels which since the nineteenth century wrote the standardising infrastructural rules of future Europe (Kaiser & Schot, 2014). Experts in science and technology emerged as key mediators in the infrastructural integration of Europe: they exploited their sectorial knowledge to set political agendas, shape social relationships and establish collaborations with governments, states and other political actors (Kohlrausch & Trischler, 2014).

In the words of Schot and Schipper, telling ‘more complex stories’ of European integration requires ‘symmetrical attention’ to non-state actors:

European integration history tended to neglect [sociotechnical integration] and leave it to specialists. This reinforces the unfortunate trend in integration history to picture it as a historical process hindered by national states or other actors. Such a view privileges certain actors and developments a priori. We follow the advice of Gilbert (2008), who invites historians to narrate more complex stories by paying symmetrical attention to various alternative proposals for European integration. (Schot & Schipper, 2011, p. 275)

Here complexity is defined as stories that symmetrically account for more heterogeneous actors than those who are normally privileged in European integration accounts: experts and technical figures who rarely stand out in integration histories foregrounding states and policy-makers. Crucially, to uncover the role of these less visible non-state actors adopting a sociotechnical perspective on European integration seems to be a necessary methodological precondition.

In CEAS, this correlation has been recently found in an analysis of the technical stages of fingerprinting, which has revealed unexpected non-state actors (Pelizza, 2021). In this domain, as well, it seems that theoretical discussions about policy harmonisation and legal outcomes may overlook actors who play a crucial role in administrative and operational processes, and whose role may be revealed by adopting a sociotechnical perspective. If so, continuity in operational activities could be explained as achieved through specific material means by non-state actors who may or may not eventually find legislative acknowledgment. If confirmed, we could move steps towards paying a more 'symmetrical attention' to European integration in the CEAS.

IOM operationally mediating between MSs by means of health data infrastructures

Birth of an implementation gap in 'continuity of care'

As above noted, intra-European relocation has constituted a critical issue in the European management of asylum. This emerged clearly in the period between 2013 and 2015, when high numbers of third-country-nationals arrivals at the EU external borders triggered a CEAS crisis long in the making (Scipioni, 2018). Under the weight of increased numbers of asylum seekers against moderately weak asylum systems, intra-EU solidarity and responsibility-sharing collapsed. Italy and Greece 'waved asylum-seekers through' (Niemann & Zaun, 2018, p. 4), allowing asylum seekers' secondary movements towards Northern Europe (interview #3). As a consequence, the EU launched infringement procedures for incorrect implementation of EURODAC regulation (Regulation (EU) No 603/2013) against Italy, Croatia and Greece.⁴

In this context, to prevent the collapse of the asylum and Schengen acquis, the Council adopted Decisions 2015/1523 and 2015/1601⁵ to relocate 160,000 asylum seekers among MSs between March 2015 and September 2017, following a scheme based on quotas. However, MSs adherence to the scheme was problematic. In June 2017, the Commission initiated an infringement procedure against Poland, Hungary and the Czech Republic for non-compliance with their obligations under the 2015 Council Decisions.⁶ Moreover, as highlighted by the European Court of Auditors, actual relocation involved around 4 per cent of all asylum seekers in Italy and around 22 per cent of those in Greece (ECA, 2019, p. 23).

The 2015 Decisions did not only fail to impose compliance with the CEAS. They also exacerbated relevant pre-existing operational gaps in asylum. They made evident the implementation gap inherent to the Dublin system concerning who is operationally in charge of collecting, processing and exchanging third-country nationals' health data during the last stage of the Dublin

procedure, the transfer. Already in 2006, the UNHCR had pointed out that under Dublin II regulation (EC No 343/2003) national authorities failed to share relevant medical conditions prior to a Dublin transfer (UNHCR, 2006, p. 44). For UNHCR, the lack of a uniform approach concerning needs and health assessment before travel puts at risk asylum seekers' lives and recommended to clarify responsibilities and obligations to share medical records and information (UNHCR, 2006, pp. 44–45). All in all, UNHCR called for a process of health knowledge production and circulation standardised across MSs.

In 2013, during the discussions of Dublin III recast, the European Council on Refugees and Exiles (ECRE) framed this gap as a matter of 'continuity of care' (ECRE, 2013, p. 76). ECRE highlighted the lack of continuity of care in a study that confirmed how medical records were not circulated among MSs before relocation. Thus, during the 2015 refugee crisis, the principle of 'continuity of care' seemed to imply a form of coordination of MSs hardly imaginable in a context in which not only some MSs did not acknowledge Council's relocation Decisions, but national and European information systems fell short of system integration. As a matter of fact, national databases like the Greek Register of Foreigners and the Italian Informational Automated System are not integrated with European systems such as Eurodac. Nor do European systems implement health data classifications (Pelizza & Van Rossem, 2021; Pelizza & Van Rossem, *under review*).

This gap seemed to find a policy solution with Dublin III (Regulation (EU) No 604/2013), as EU legislators introduced the mandatory requirement of collecting, processing and exchanging third-country nationals' health data among MSs before relocation, with the aim of ensuring 'continuity of care'. As outlined in the explanatory memorandum attached to the 2008 proposal for Dublin III, the purpose was to ensure 'continuity in the protection and rights afforded to that person', by 'setting out a mechanism on the exchange of relevant information, notably on medical conditions of the person to be transferred' (European Commission, 2008, p. 13). In particular, Art. 32 of the Regulation formalises the obligation for MSs to transmit information on any special needs, including information on that person's physical or mental health. As observed by Vavoula (2021, p. 409), these rules aimed at increasing the level of fundamental rights protection for asylum applicants and third-country nationals, especially the vulnerable and unaccompanied minors, as only acknowledged healthcare professionals can collect data.

In summary, Art. 32 of Dublin III introduced the need to collect, process and exchange health data, and detailed who are the actors involved in ensuring continuity in the protection: MSs (especially transferring MSs) as the 'competent authority', and the health professionals in charge of collecting and processing health data, who are bound to national laws and professional secrecy. While Dublin III, Art. 32(3 and 4) leaves MSs room to establish the

modalities of engagement with health professionals, the modalities of semantic interoperability are more standardised. As stated in Art. 32(1) final lines, the Commission designed a 'common health certificate' to standardise processing of health data, as per Annex IX of the Commission Implementing Regulation (EU) No 118/2014 (i.e., 'Standard form for exchange of health data prior to a Dublin transfer').

Despite this policy solution, actual implementation lagged behind. In a study conducted between 2015 and 2016, UNHCR highlighted that while MSs were generally sharing health data of asylum seekers upon arrival (i.e., not before), it was 'unclear from the information gathered if this information is exchanged by using Annex IX of the Implementing Regulation (EU) No. 118/2014' (UNHCR, 2017, p. 145). The UNHCR study confirms that despite operational improvements a gap persists in the transmission of medical information, and that most MSs do not use the common health certificate, thus hampering standardisation (UNHCR, 2017, pp. 145–146). Also, our fieldwork research conducted at reception facilities and at the IOM Mission in Italy has revealed that the common health certificate is not widely used.

In summary, if a solution concerning health data exchange during relocation was found at the policy level, its implementation did not smoothly follow, and the operationalisation remained problematic. The next subsection describes how – at least in the Italian case – this implementation gap was filled by IOM through its data management system MiMOSA.

MiMOSA as MSs relations made durable

IOM has had a key role in European asylum management in the last few years. It assisted MSs in the implementation of the 2015 Council Decisions 2015/1523 and 2015/1601 on relocation and continued to assist even after. As a report on the implementation of the 2015 Council Decisions commissioned by the LIBE Committee confirms, DG HOME launched the cooperation with IOM on pre-departure health checks in order to mitigate MSs' concerns and relocation refusal on public health arguments (Guild *et al.*, 2017, p. 39). In parallel, and after the conclusion of the 2015 Council Decisions relocation scheme, IOM continued to assist MSs through so-called 'voluntary relocations'. Voluntary relocations are transfers of asylum seekers pledged by destination MSs – instead than by quotas as per Council Decisions – who take over responsibility for assessing the asylum claims on a case-by-case rational (interview #5; see also Carrera & Cortinovic, 2019b). The EU has sponsored this type of relocation under the non-legally binding agreement 'Joint declaration of intent on a controlled emergency procedure' signed by some MSs in Malta on 23 September 2019 (interview #5; Carrera & Cortinovic, 2019b).

Through these developments, IOM has ensured continuity of care to relocation procedures and achieved a role as mediator between MSs in a context

characterised by MSs' lack of communication (due to the above-discussed implementation gap) and despite Dublin III policy provisions on health data exchange and continuity of care. How has IOM managed to achieve both results? Adopting a sociotechnical perspective is crucial to answer this question, given the key role played by IOM's data collection and exchange platform for migrants' movement management, the MiMOSA. MiMOSA has allowed, standardised and stabilised health data exchange between sending and receiving MSs, and thus ensured continuity of care to relocation procedures.

In the Italian context, voluntary relocations were implemented through the homonym project initiated by the Italian Ministry of Interior (Moi) on European Commission's emergency funding (i.e., AMIF and Internal Security Fund), outsourced to IOM Mission in Italy and implemented from 2016 to 2018 (IOM, 2021).⁷ In this context, IOM Mission in Italy operationally absolved to data collecting, processing and exchanging functions, according to the following workflow.

Voluntary relocation is triggered by the destination MS, who – either through its Moi, the IOM mission in that MS, or a liaison officer based in Italy – sends IOM Mission in Italy a written request for relocation and a list of beneficiaries. As a consequence, IOM Mission in Italy reaches out the reception centre(s) where the beneficiaries are hosted and preliminarily collects health data which are sent to IOM physicians. IOM physicians record preliminary data on MiMOSA, the IOM data infrastructure developed since the 1990s by IOM headquarters in Geneva and Manila and used by IOM missions around the world to manage the movement of beneficiaries globally. After this preliminary screening, chest X-ray examinations are conducted, and the results recorded in MiMOSA. Fourth, around two weeks prior to departure IOM Mission in Italy sends its associated physician to the reception centre, in order to carry out a more thorough health assessment. Outcomes are again recorded on MiMOSA. Fifth, a couple of day prior to departure the pre-embarkation check (i.e., 'fit to fly') is carried on, and its results are recorded on MiMOSA. Finally, a few hours before embarkation the COVID-19 PCR test is carried out, and the results are recorded on MiMOSA, as well. At the moment of relocation, health data are extracted from MiMOSA through standardized templates and sent as encrypted files to the destination authorities.

In this process of health data collection, processing and exchange, IOM creates a link between the transferring MS (i.e., Moi and reception centres) and the destination MS (i.e., its health authorities). As confirmed by interviews, border police and law enforcement bodies do not collect health data (interview #4).⁸ It is MiMOSA that enables this relationship by acting not only as a repository but as a hub producing data from different procedures, standardising and extracting them in forms to be shared exclusively with public health care professionals in destination countries.⁹

We can identify three specific and complementary ways in which MiMOSA assures continuity to relocation processes: *prompting data production*, *harmonising administrative standardisation* and *building continuity in time*. First, MiMOSA does not only act as repository for the collection of existing information. Most often data must be produced *ex novo* to fill in MiMOSA. This is the case of chest X-rays, which are not always taken at the reception centre upon arrival of asylum seekers and are only taken by IOM physicians during the relocation health assessment (interview #1). In similar cases, MiMOSA's empty field marks the absence of X-rays information and therefore prompts the (belated) procedure to produce it.

Second, MiMOSA provides a workflow harmonising otherwise dispersed administrative processes. It works as an 'obligatory passage point' (Callon, 1984) collecting data from different authorities and processing them in order to standardise health assessment procedures that might consistently differ between countries. By prescribing some types of mandatory medical exams (e.g., for tuberculosis) and setting minimum requirements to move people between MSs (e.g., COVID test), MiMOSA standardises ways of reconstructing an individual's medical history (interview #5). By so doing, MiMOSA standardises trans-European health knowledge administrative requirements and adapts them to common templates, thus avoiding dispersion and dissipation.

Third, the MiMOSA infrastructure ensures continuity in time throughout multiple temporary projects that depend on contingent funds from donors. While projects end and new ones start (sometimes funded by different donors), continuity after the end of an individual project and shepherding towards the subsequent ones are ensured by the MiMOSA infrastructure. After the end of the 2016–2018 voluntary relocation project, for example, IOM Mission in Italy and Malta continued to use the health data management component of MiMOSA in the subsequent projects funded by the Italian MoI, destination MSs and the EU Commission (interview #2). By so doing, MiMOSA provides continuity to MSs relations even when asylum procedures are fragmented into temporarily funded projects.

All in all, enabled by its health data management infrastructure MiMOSA, in the last decade IOM has been able to position itself as a mediator of MSs administrative relations in an openly contested domain such as the CEAS, affected by distributional conflicts and policy stalemates. MiMOSA has constituted a key enabling factor of such positioning: the link in the chain that has resolved the implementation gap highlighted by UNHCR and ECRE. More precisely, MiMOSA has *operationally* solved the implementation gap inherent to the Dublin II system, which was addressed by Dublin III at the *policy* level. By prompting data production, harmonising administrative standardisation and building continuity in time, MiMOSA has provided continuity to relocation procedures and enabled IOM in acquiring a role as mediator of MSs relations.

For these reasons, paraphrasing Latour's famous quote ('technology is society made durable', 1990), we could say that 'MiMOSA is MSs relations made durable'. With this, we mean that – although policy relations in the CEAS are contested and unstable – continuity in MSs' cooperation in relocation is operationally ensured by data infrastructures.

Conclusion: the 'alternative' sociotechnical integration of Europe

This study was triggered by the apparent paradox between legal failure in theory and policy design, on the one hand, and sustained continuity of CEAS administrative activities and operational implementation, on the other hand. The article has asked how we can make sense of this paradox, that is, how administrative measures can continue despite legal stalemates. By following Infrastructural Europeanism's suggestion and realising that administrative processes are sociotechnically supported, the answer to the question has focused on the material means on which continuity is grounded. Administrative processes are continuous because they can rely on infrastructural continuity. We have discussed the case of IOM Mission in Italy and Malta, whose MiMOSA infrastructure for health data exchange has ensured continuity of care in the relocation of third-country nationals after the 2015 crisis. MiMOSA prompted data production, harmonised administrative standardisation and built continuity in time, thus filling an implementation gap inherent to CEAS. We summarised these findings with the paraphrased motto 'MiMOSA is MSs relations made durable', meaning that MiMOSA as a data infrastructure materialises MSs relations and contributes to their continuity in the long term, even without resorting to legislative tools.

Focusing on the material means for data production and exchange is also key to recognise the mediating role of non-state actors, who would otherwise remain invisible. Such a role is not easily revealed by accounts which privilege legislative and formal integration, but it emerges by acknowledging operational modes of governance. It is only by focusing on the workflow of health data production and exchange that the affordances of MiMOSA can be revealed, and so how IOM achieved its mediating role in intra-European relocation.

This evidence throws new light on our initial paradox. Our findings suggest that the paradox depends on what Schot and Schipper (2011) called 'asymmetrical attention'. The paradox appears as a function of the extent to which literature on European integration overlooks sociotechnical, operational processes and non-state mediators. With its focus on the formal transfer of functions between MSs and EU agencies, and on legislative quality and harmonisation, the intergovernmentalism/supranationalism distinction falls

short of accounting for operational implementation and non-state actors. It is therefore ill-equipped to explain the paradox of continuing administrative cooperation vis-à-vis failing harmonisation.

These considerations raise the question of the extent to which administrative, operational and sociotechnical implementation qualifies as a form of actual integration in the CEAS. We suggest that ensuring continuity of care during relocation can be deemed contributing to European integration in an 'alternative' – as Schot and Schipper (2011) would put it – way. Against the post-2015 context of MSs' reluctance to delegate national control over vertical centralisation in the CEAS, sociotechnical coordination can represent a complementary strategy to operationally achieve integration, without legislative transfers of powers to EU authorities (Curtin & Bastos, 2020). Mediators can fill implementation gaps that would otherwise bring to framing similar situations as 'failures'. The work of mediators to avoid failures – like in post-2015 relocation – can thus be conceived of as a form of complementary integration happening at the level of implementation, and represents one of the operational aspects of crisis response and an advancement of integration in CEAS, although not formalised at the policy level. For these reasons, this study contributes to the debate on integration dynamics, with a focus on administrative standardisation and continuity emerging from the intricate web of operational linkages in the domain.

This acknowledgment requires a positioning endeavour. We are aware that our findings can raise dilemmas about the implications of complementary integration for transparency, accountability and legitimacy of EU policy implementation. While we see reasons to be concerned, our apprehension does not spread from the solid legal ground, but from our position as responsible researchers in technological innovation. As such, we cannot assess these developments against policy and legal principles. Rather, we can weigh the relative power of enforcement of multiple rationales (e.g., legal, technological and operational) and explain how one comes to exert influence over the others, which is what we have done with the IOM case. We have indeed shown one of the mechanisms through which the technical and operational rationales have acquired relative influence over the legal. Knowing the how is sometimes half-way into finding convincing solutions.

In slightly different terms, while we share with Carrera and Cortinovis (2019a) and Cusumano and Gombeer's (2020) skepticism towards operational measures, we also think that it's not by overlooking them that more accountability can be achieved. Instead, we suggest that 'including them in the equation' of European integration is expected to be a more transparent and effective strategy, in which the agency of material means and mediating actors is revealed and subjected to public scrutiny, with the goal of

conceptualising innovative ways to reinforce accountability debates and procedures. All in all, the article aims to contribute to European integration studies with a reflexive attitude about where to pose our glance as researchers.

Finally, our findings suggest that IOM's mediating role marks a shift in its mandate. Literature on humanitarian International Organizations (IOs) usually privileges the extra-European dimension of migration management (Beqiraj, 2016) and criticises their complicity in the outsourcing of European borders (Fassin, 2011; Tickin, 2005). While such arguments are key in revealing emergent governance arrangements, they do not engage with IOs' role *inside* the Schengen space. In particular, they overlook the decisive impact of IOs' operational capacities in dealing not only with border management but also with migration and asylum relocation between MSs by capitalising on the lack of mutual trust amongst MSs.

This constitutes a rather different role for IOs than the one commonly assumed in International Relations: instead of lying at the decentralised end of the state/international organisations continuum (Leuffen *et al.*, 2022), IOs acting in a post-2015 intra-European context can assume the role of mediator of MSs relations, operationalising tensions and filling implementation gaps. In this regard, the article aims to stimulate further research on legal and administrative implications of IOs' role in policy implementation, and new investigations digging into the progressive expansion of IOM's mandate and positioning between national, supranational institutions and other international organisations (Bradley & Erdilmen, 2022). The evidence here analysed prompts new research on the role of migration and asylum data infrastructures, even beyond those designed and implemented under EU law (Tsourdi & De Bruycker, 2022). Such research should question IOs' compliance with international human rights and data protection principles (Guild *et al.*, 2020), as well as ask how this evolution may solve or hamper the Dublin system and CEAS drawbacks, and how the EU institutions can formally structure the participation of non-state actors.

Interviews quoted in the text (i.e., do not correspond to the totality of interviews used)

- #1. Member of IOM Mission to Italy and Malta. 5 November 2018.
- #2. Member of IOM Mission to Italy and Malta. 5 November 2018.
- #3. EU staff DG Home and Migration at the EU Representation office in Rome. 26 November 2018.
- #4. Staff Border Police, Italy. 21 March 2019.
- #5. Staff member of IOM Mission to Italy and Malta. November 11, 2021.

Notes

1. European Parliament, 'EU asylum rules: reform of the Dublin system', 24 July 2019, <https://www.europarl.europa.eu/news/en/headlines/world/20180615ST005927/eu-asylum-rules-reform-of-the-dublin-system>.
2. While the 2022 Declaration has a temporary and non-legislative nature, it aimed to 'provide useful lessons for the permanent mechanism to be introduced by the asylum and migration management regulation proposed by the European Commission, and the lessons learnt will be taken into account in the ongoing negotiations on that instrument' (Council of the EU, 2022).
3. In STS it is preferred to use the term 'sociotechnologies' – instead of 'technologies' – to refer to the ontoepistemic inextricability of the Social and the Technical. See Latour (1990) among many others.
4. European Commission, Implementing the Common European Asylum System: Commission escalates 8 infringement proceedings, Press release 10 December 2015, https://ec.europa.eu/commission/presscorner/detail/EN/IP_15_6276. See Infringement decision no. INFR(2015)2203 against Italy, Infringement decision no. INFR(2015)2197 against Croatia, and Infringement decision no. INFR(2015)2202 against Greece.
5. The Council adopted the two Relocation Decisions in September 2015 and an amending Decision in September 2016. Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (as amended by Council Decision (EU) 2016/1754 of 29 September 2016). These measures expired in September 2017.
6. European Commission, Relocation: Commission launches infringement procedures against the Czech Republic, Hungary and Poland, Press release, Brussels, 14 June 2017. https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1607. See infringement no. INFR(2017)2092 against Czech Republic, INFR(2017)2094 against Poland and INFR(2017)2093 against Hungary.
7. As of 2021, in Italy voluntary relocations continued and were carried out in the frame of the RELITA project (interview #5), coordinated by Italian Mol under AMIF fund (European Commission, 2021, p. 4). Conditions and procedures for data collection, processing and exchange have not changed since, therefore what is described in the following applies also to the RELITA project.
8. It should also be noted that at the time of implementation EASO experts deployed to Italy and Greece to assist on the exceptional relocations schemas did not include doctors, nor had the mandate to collect health data (interview #5).
9. Data are shared through encrypted files (interview #1 and #5), in compliance with IOM internal data protection principles (interview #5), which are in turn compliant with the European General Data Protection Regulation (GDPR).

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Data availability statement

The data that support the findings of this study are available on request by the Journal's Editors from the corresponding author. The data are not publicly available due to ethical restrictions established by the 'Processing Citizenship' project's ethical plan and the agreement with the informing authorities.

Ethical declarations

The authors confirm that all the research meets ethical guidelines and adheres to the legal requirements of the study country. Research was conducted in conformity to the ethical plan of the 'Processing Citizenship' ERC project, which was approved by the ERC Executive Agency's Ethics Committee (approval number 714463 – ProcessCitizenship), the Ethics Committee of the Faculty of Behavioural, Management and Social Sciences of the University of Twente (approval number CvB UIT – 2210) and by the Bioethics Committee of the University of Bologna (approval number 219611 on 24/9/2019). All the subjects have provided appropriate informed consent according to the 'Processing Citizenship' ERC project's ethical plan.

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