Digital Data as a Measure of Credibility in the Danish Asylum System

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ABSTRACT

The reliance of external evidence as a measure of credibility within asylum procedures is not a new phenomenon, as experts have for a long time played an integral role when it comes to determining the truthfulness of the voices of refugees and asylum seekers. However, with the introduction of digital technologies within asylum procedures and a new form of digital governmentality, which bypasses the questioning of individuals, asylum authorities' inclination for privileging external information over the narratives shared by asylum seekers and refugees might have become amplified. This thesis employs the practice of data extraction and the use of digital data in decision-making processes as a case study for examining the potential pitfalls that the increased role of digital governmentality in Danish asylum procedure might create. In order to explore this phenomenon, data has been collected through the conduction of three interviews with a legal advisor from the Danish Refugee Council (DRC), and two case handlers from the Danish Immigration Service (IS) supplemented by a report and research papers developed by NGOs and academic scholars.

Overall, the results of the thesis indicates that the overarching occupation with the supposed objectivity of external digital data within the Danish asylum system might block case handlers from recognising the contextuality that shapes online behaviour. As a consequence this might exacerbate existing processes that invalidates the agency of asylum seekers, since their digital data, which has been depleted of its contextuality, might come to hold the power to either legitimise or deligitmise their words and experiences. These kinds of processes can further reproduce asylum seekers as passive respondents within the asylum procedure that might reproduce an unequal power relation between the case handler and the asylum seeker, which can further influence the ways in which refugee voices and narratives are interrogated. Furthermore, the continuous question of credibility can play an active part in shaping the formulism of the asylum procedure, as the applicant is expected to present their narrative in a way that affords them the most credibility in the eyes of the case handler.

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1) Introduction

In the report 'Rebooting the Asylum System? The Role of Digital Tools in International Protection', Hanne Beirens delineates how the Covid-19 pandemic changed the structure of asylum systems worldwide due to an increase in the employment of digital technologies. While the 2015 refugee crisis already led to the proliferation of such use, the pandemic also introduced a mental shift, which saw digital technologies as not only a necessary measure within that situation but also as an opportunity to experiment with and transform asylum processes (Beirens, 2022, p. 1). This has resulted in various technologies becoming ingrained components within the asylum system procedures, in terms of identification, registration, asylum claim processing and decision making processes, to various degrees in different countries. The introduction of such technologies has been accompanied by a mental and practical shift with regard to how knowledge is perceived and how knowledge is produced (Barry, 2020, p. 369). According to Dammann et al. (2022), this is indicative of a new type of digital governmentality emerging, which rejects and bypasses the individual's capacity for representing themselves, and instead looks to the proliferation of big data and surveillance technologies for the obtainment of 'credible' knowledge (Barry, 2020, p. 370). This can be seen exemplified within the Danish system, which in 2017 proliferated its use of digital data by expanding its use of data extraction.

Denmark was one of the first countries to analyse asylum seekers' data carriers through the system XRY developed by MSAB (Society for Civil Rights, 2020, p. 43). According to the Danish newspaper 'Information' the police started reading and storing smartphone data already in 2015 (Information, 2016) including telephone numbers, personal messages, emails, photos etc. (Nalbandian & Dreyer, 2022, p. 5), even going as far as asking for passwords for social media accounts. These efforts have been further enabled by the amendment of the Danish Alien Law (Udlændingeloven) in 2017 – where it was previously only permissible to extract data in cases where it would assist identification purposes, now any documents or items can be extracted without the consent of the asylum seeker, if the items in question are viewed as having an impact on asylum procedures (Udlændingeloven, § 40 Stk. 9). This has led to a proliferation of asylum cases, where the adjudications have partly relied on extracted digital data (Nielsen & Møller, 2022, p. 3). According to Nielsen and Møller, the data is often being used to assess the credibility of the asylum seeker, where a divergence or contradiction in personal testimony and the supplied data is often named as cause for

rejection (Nielsen & Møller, 2022, p. 3). This can be seen exemplified in Rikke Andreassen's paper, 'Social media surveillance, Lgbtq refugees and asylum', where she describes how an asylum seeker identifying as gay was refused protection, since his testimony of having a boyfriend clashed with his status on Facebook as single. This indicates the level of credibility afforded the narratives of asylum seekers, as their experiences are not viewed as trustworthy unless external evidence can substantiate them.

With the increased digitalisation of migration management, there has been a proliferation of scholarly research, which has considered the discourses of securitization underpinning such practices (Neal, 2009; Leese, 2016), how these practices are designed to control flows of mobility through exclusionary techniques (Walters, 2006; Sontowski 2018; Bigo, 2008), and what consequences they have for migrants' rights to data justice and privacy (Martin & Taylor, 2019; Couldry & Mejias 2019). However, there is a lack of research dedicated to the intersection of digitalisation, migration management and Critical Refugee Studies (CRS). This means that it has not been properly explored nor discussed how such digitalisation processes together with digital governmentality's reconfiguring of knowledge and credibility might interact with existing discourses that serve to represent and reproduce 'the refugee' as a universal, apolitical and ahistorical category. Within a Danish context, the constitution of credibility within the Danish asylum system have been explored by a variety of scholars (Nielsen & Møller, 2022; Katsikouli et al., 2022; Christiansen, 2022), however there has been a limited amount of attention dedicated to how logics of digital governmentality intersects with the Danish asylum procedures. Rikke Andreassen's paper concerning the use of LGBTQIA+ applicants' social media data in asylum decision-making processes, is the only academic research, which specifically concerns the employment of data extraction and digital data in the asylum procedure.

Based on the identified gap apparent within scholarly literature, this thesis is concerned with exploring how the logic of digital governmentality and the increased digitalisation of asylum procedures might influence the representation of asylum seekers and its potential for exacerbating existing processes of universalization, dehumanisation and even creating new pitfalls related to such processes. In order to do so, the thesis employs the Danish Immigration Service's (IS) use of data extraction and digital data for credibility assessments in first instance asylum adjudications, as a result of the 2017 expansion of the Danish Alien Law, as its case study.

Against this backdrop, this thesis asks the following overarching question:

In which ways can the Danish Immigration Service's expanded use of data extraction in credibility assessments of asylum claims be viewed as exacerbating existing processes related to the universalization and dehumanisation of asylum seekers?

In order to explore this phenomenon, data has been collected through the conduction of three interviews with a legal advisor from the Danish Refugee Council (DRC), and two case handlers from the Danish Immigration Service (IS) supplemented by reports and research papers developed by NGOs and academic scholars. The data is subjected to a thematic analysis, which is meant to pinpoint certain themes and patterns while allowing for similarities and divergences within the practices and experiences of the interviewees. The identified themes are then examined in accordance with the theoretical framework, which incorporates the logic of digital governmentality and critical data studies, but primarily focuses on Critical Refugee Studies (CRS) by employing the conceptual framework of Liisa Malkki and Nano Sigona, supplemented by Nick Haslam's theory on dehumanisation processes.

2) Context

The following chapter is aimed at shedding light on relevant factors that constitute the backdrop of the case study and its evolvement. First of all, it is pertinent to gain an overview of the status of the digitalization process within migration management in other countries and the EU, as well as the general perceived benefits of its use. This helps situate the Danish use of data extraction in a wider framework, thereby indicating how similar tools might be employed elsewhere and what kind of logic underpins its use. Furthermore, this chapter will shed light on the Danish legal framework, specifically the Danish alien law, which stipulates the criteria that must be fulfilled in order to employ data extraction, meanwhile an overview of existing international guidelines and laws, might indicate whether there exists other limitations to the use and storage of such data. Lastly, the different sequences within the Danish Asylum system will be accounted for. Having a clear outline of the process and the actors engaged within it helps to clarify the scope in which data extraction might be employed, what sequences it might impact, and what actors might be involved in its use.

2.1 Overview of digitalization processes within migration management

As stated within the first chapter, the two primary factors responsible for driving the processes of digitalization forward within migration management are the 2015-16 migration crisis and the Covid-19 pandemic (European Migration Network, 2022, p. 3). Due to ongoing human rights violations and conflicts, the amount of people seeking international protection peaked in 2015, as over two million migrants submitted asylum applications in 38 countries (UNHCR, 2016, p. 35). It was in response to these large scale arrivals that migration and asylum authorities truly started to consider alternatives to their previously predominantly analogue practices. Several EU countries switched from paper to digital files, as a way of ensuring that relevant authorities had consistent and easy access to updated information, thereby maximising efficiency in workflows and improving communication between the agencies (Beirens, 2022, p. 9). Other technologies that were employed/developed as a consequence of the crisis includes self registration platforms in the Netherlands (Ott & Testi, 2021, p. 11), automatic speech analysis, which was piloted by Germany in 2017 (Beirens, 2022, p. 9) and a 'flow throughput estimator', which Finland integrated into its case management system during the crisis - this allowed them to predict migration flow bottlenecks and not only asses the complexity of individual cases but also estimate their costs (European Migration Network, 2022, p. 11).

However, it was not until the Covid-19 pandemic occurred that digitalization processes took proper hold within migration management and transformed asylum procedures within all of its sequences. According to Beirens, the actions taken throughout its durations can be divided into four overall stages: Temporary suspension of operations, continued suspension combined with ad hoc measures, temporary adaptation of parts of the asylum system, and lastly the mental shift from adapting out of necessity to innovation and transformation (Beirens, 2022, p. 6). Within the first phase borders and reception facilities were closed for new arrivals and movement were restricted for existing residents, registration procedures for new protection applicants were halted and asylum claim processing was put on hold. This was the case in Belgium, Cyprus, France, Greece, Hungary, Italy, the Netherlands, Serbia and Slovenia (Ott & Testi, 2021, p. 12). Of course, while this was the dominant trend, countries such as Norway and Sweden were quick to restart some sequences of the asylum process through the use of digital technologies (Beirens, 2022, p. 6).

The second phase saw that other countries increasingly employed such technologies in addition to online application portals, chatbots and videoconferencing instead of personal interviews (European Migration Network, 2022, p. 3; Ott & Testi, 2021, p. 11; Beirens, 2022, p. 9). The European Commission also issued, on the 16th of April 2020, guidance on the fulfilment of EU provisions and guidelines during Covid-19, which encouraged reasonable and non-discriminatory use of online tools in asylum procedures (Ott & Testi, 2021, p. 13). The third phase was propelled by the second wave of infections, which resulted in the awareness that proper alternatives needed to be implemented in order to ensure the continued right to protection. In order to reboot asylum practices, countries employed various tactics: some reopened borders with a heavy emphasis on covid-safe procedures within asylum systems, others leaned more heavily into a further digitalization of their asylum systems by for example expanding their use of remote interviewing (Beirens, 2022, p. 7).

The last phase exemplifies how asylum authorities have switched from perceiving digital practices as a necessity measure during a health crisis to perceiving it as a way of combating existing issues within asylum systems regarding prolonged waiting times, human biases and the lack of resources (Ott & Testi, 2021, p. 6). This type of attitude underpins the current motivations for increasing the employment of digital practices within migration management - for example remote interviewing is no longer viewed as a necessary security measure but rather a tool, which might reduce issues related to restrictive mobility and prolonged waiting

times (Beirens, 2022, p. 7), and the use of data extraction is perceived as a way of limiting human biases and ensuring credibility in both identification and decision making processes (Forslag til Lov om ændring af Udlændingeloven (Øget brug af biometri m.v.), 2017).

2.1.1 Overview of technologies employed

Biometrics and data extraction:

The earliest implementations of digital technology within migration management were concerned with the verification of identities. Authorities responsible for identification procedures, for example border management authorities, had already in the early 2000s started to employ facial recognition, fingerprints and iris identification (Beirens, 2022, p. 8). These technologies were meant to create digital identities that were storable in databases and thus could be instantaneously used for validation purposes, and now especially fingerprints and increasingly facial recognition have become standard elements within identification procedures. Biometric data is also employed to provide humanitarian services to migrants, as both the UNHCR and IOM have implemented it within their identity management systems (Beirens, 2022, p. 8). Biometrics are however no longer merely utilised for identification purposes, as it is also used to verify information provided by migrants - especially in instances where refugees are not in possession of documents that can substantiate their claims. As mentioned earlier, Germany piloted a speech analysis software in 2017 to match speech patterns, accents and dialects with geographical areas - thereby allowing them to determine countries of residence and origins prior to the asylum claim. Meanwhile, both Denmark, Norway, the UK and Germany's practice of extracting cell phone data, thereby accessing location and call history, personal data and even social media accounts, is similarly motivated by a wish to verify personal testimonies (Beirens, 2022, p. 9). Here, the Danish police specifically use a mobile forensics and data recovery software, developed by MSAB, called XRY, which according to MSAB is ideal for identity validation and thereby for maintaining security, order and control when managing migration flows (MSAB, Border control software - Mobile forensic & data recovery software).

Registration:

As explained in chapter 2.1, the Covid 19 pandemic worked as a primary incentive to digitalize the registration sequence within the asylum system, which led to the development of an array of remote registration systems, pre-registration systems and self registration

systems. Pre-registration systems are online or telephone systems, which some countries have implemented to cope with the number of asylum seekers and delays in the registration of them. Through these systems, applicants are given appointments for the actual registration in order to ensure that the actual registration runs more smoothly and is more well-organised (Ott & Testi, 2021, p. 9). Both Italy and Greece have tried to make use of self registration systems, however both systems were heavily criticised for the applicants' limited access to the systems, the systems' limited capacities, the availability of interpretation etc., and both countries were therefore forced to repeal the systems (Ott & Testi, 2021, p. 10).

Recently, in June 2020, Greece introduced self-registration platforms and terminals, which is also being employed in the Netherlands and Norway though under different conditions (Ott & Testi, 2021, p. 11). In Greece the platforms are only available to individuals whose intentions to seek asylum have been registered either by the Reception and Identification Service (RIS), the Hellenic Police or by the Asylum Service - and the platforms are only available in Greek and English. Meanwhile, in the Netherlands, individuals who self register are automatically considered asylum seekers, and the Norwegian platforms offer 16 available languages; anyone who is illiterate or does not speak any of those languages is allowed to use the normal procedure (Ott & Testi, 2021, p. 12)

Interviewing:

Usually the technologies employed during personal interviews are aimed at facilitating remote interviews, which can be employed in specific circumstances; for instance when applicants belong to certain 'vulnerable' categories or when there are more actors taking part in the procedures, for example interpreters, lawyers or NGOs (Ott & Testi, 2021, p. 16). In the UK video conferencing is occasionally used for interviews situated in bail hearing centres, and both Poland and France might use video conferencing in interviews taking place in detention centres. Ireland, Norway and Sweden also provide the possibility, usually on an ad hoc basis, for conducting interviews remotely as to both accelerate procedures and to avoid situations where else applicants would be forced to travel larger distances (Ott & Testi, 2021, p. 18). Meanwhile, remote interpretation services are offered in France, Greece, Germany and Bulgaria - either through phone or through video conferences (Ott & Testi, 2021, p. 19). Furthermore, France, the UK, Sweden and Austria offer audio or audio-visual recordings of the personal interviews to ensure that the applicants' testimonies are being accurately represented throughout the decision making processes, also in the appeal stages,

and to reduce the chances of miscommunication and mistakes in translation (Ott & Testi, 2021, p. 25).

Information provision:

The majority of EU countries employ electronic tools to provide information on the asylum procedure to applicants through web platforms, animated videos, youtube videos, apps or hotlines. For example, Belgium's national reception authority, Fedasil, launched a website in 2019 containing information concerning the asylum system, healthcare, accommodation, work, education etc., which they further reinforced in 2021 with another website providing supplemental information regarding the procedures (Ott & Testi, 2021, p. 26). Meanwhile, other countries, like Switzerland, have created youtube channels dedicated to producing informational videos for asylum seekers, and others again provide information through phone platforms and hotlines (Ott & Testi, 2021, p. 26).

Algorithms in decision-making processes:

While the use of algorithms and machine learning in the asylum system is far from becoming a standard element within decision-making processes, the use of such technologies are slowly spreading within migration management. Between 2016-2019, the EU introduced an AI driven lie detection program in airports in Latvia, Greece and Hungary, meanwhile immigration officers in the US employ a risk-assessment algorithm to identify whether 'illegal' immigrants should be detained or let go during the processing of their removal cases (Beirens, 2022, p. 10). While such technologies are therefore not currently being used to support the adjudications of asylum claims, they are gaining more presence, and their purpose of supporting decision making processes to reduce error margins is very much aligned with the purpose of data extraction.

2.1.2 Perceived benefits

As stated in the prior sections, the technologies just accounted for are becoming increasingly ingrained within asylum procedures, because they are viewed as potential answers to some of the longstanding issues of the asylum system. Technologies such as biometrics, self registration systems, pre registration systems, remote interviewing and online information provision can both speed up identification and registration processes and the processing of claims and be more cost efficient, while simultaneously reducing the number of staff engaged

in various procedures and their workload (Ott & Testi, 2021, p. 11; Beirens, 2022, p. 13). As such, these technologies hold the potential for decreasing prolonged waiting times for asylum seekers. This could be a crucial development, as prolonged waiting times put asylum seekers' lives in a state of limbo, which can be extremely detrimental to their mental health (Hvidtfelt et al., 2019, p. 401; Beirens, 2022, p. 13). Furthermore, extended procedures might result in the depletion of budgets and the overflowing of reception and accommodation facilities, which makes speeding up procedures especially important during times of large-scale migration flows, where 'bottlenecks' easily occur (Beirens, 2022, p. 13).

Biometrics, data extraction software and language software are perceived to be rendering identification processes more efficient and accurate, while additionally providing digital data that can help asylum authorities determine the credibility of the information offered by the applicants. Therefore such technologies are generally perceived as causing decision making processes to be less impacted by human biases, especially since an increase in external digital data is often automatically linked to a decrease in uncertainty - which emphasises the ways in which digital data is generally perceived as intrinsically carrying a higher degree of credibility than any other data supplied by asylum seekers.

2.2 International legal framework and guidelines

EU-wide data systems like Eurostat, Eurodac and eu-LISA are regulated by a variety of EU secondary legislation. The Eurodac regulation (Regulation (EU) No 603/2013) states the rules regarding data collection, data retention, data sharing under the Dublin III Regulation, data protection and the transferral of data to third countries and international organisations, access to data, and the supervision of the system. Likewise, the Eurostat Regulation (Regulation (EC) No 223/2009), sets the rules for data collection, data processing in accordance with the principles of statistical confidentiality, dissemination, quality through a quality assurance framework, governance structure, and data protection. The eu-LISA Regulation (Regulation (EU) No 1077/2011) defines the tasks eu-LISA, which included the management of large scale IT systems such as the Schengen Information System (SIS II), the Visa Information System (VIS), and the European Dactyloscopy (Eurodac) system. It furthermore states eu-LISA's governance system, data protection regulation, cooperation requirements, financial management conditions, and rules on the recruitment and management of staff.

In contrast to this, the EU asylum acquis does not offer any clear regulation with regard to the employment and implementation of digital tools within the asylum systems of member states. This flexibility is further substantiated by other legislative reforms implemented by the European Commission (EC) on the Common European Asylum Systems (CEAS) in 2016 and 2020, which neglect to supply any guidance regarding digital tools (Ott & Testi, 2021, p. 6).

Article 6 of the recast Asylum Procedures Directive (APD) offers some basic regulation that ensures an applicant's right to access the asylum procedure. This includes the Member States' obligation to guarantee that an applicant is able to lodge their application as quickly as possible (Article 6(2), recast Asylum procedures Directive). This means that any administrative characteristics of the registration procedures, including technologies, should not impede the applicants' ability to lodge their claim. This responsibility is further substantiated by the right to good administration and asylum and the nonrefoulment principle, as the adoption of new digital tools must not be unworkable or inaccessible to the point where it impedes an applicant's ability to exercise their right to asylum (Article 18, EU Charter; Article 33, Geneva Convention Relating to the Status of Refugees). Beyond this, the lack of binding regulation leaves the methods of registering applications up to the Member States.

The EU asylum acquis also does not provide any terms or guidelines concerning the modalities or structures of the personal interviews. As such, the Member states enjoy discretion regarding how they wish to organise the interviews, either physically, remotely or through digital tools such as videoconferencing, however the nature of the interview has to be in compliance with CEAS standards. This means that the suitability of conducting an interview remotely should be evaluated on a case-by-case basis from both a security, integrity and technological point of view (Ott & Testi, 2021, p. 15). If the employment of digital tools during the interview might have a negative effect on its quality or obstruct the applicant's ability to supply relevant evidence, then it should be abstained from. Furthermore, any actors present at the interview are required to be properly trained in managing the digital tools in question or already possess the relevant skills and experience (Ott & Testi, 2021, p. 15).

Meanwhile, the concern with ensuring that remote interviewing methods adhere to standards of confidentiality has compelled the UNHCR to emphasise the necessity of utilising platforms and tools, which conform with privacy standards. This entails carrying out data protection assessments for individual tools and establishing standard operating procedures that deal with the recording, storing and transferral of data etc. (UNHCR, 2020, pp. 2-3).

Furthermore, the applicant should be informed beforehand about the modality of the interview, and the relevant authorities should acquire the informed consent of the applicant to ensure that they understand the process entailed and the possible privacy risks (EASO, 2020, p. 10). This is also in correlation with the recast Asylum Procedure Directive and the right to information (Ott & Testi, 2021, p. 16). The EUAA (formerly the EASO) has additionally facilitated talks between Member States regarding remote interviewing and has created a manual that identifies best practices for conducting remote interviews.

The applicant's fundamental right to appeal a decision on international protection is naturally guaranteed within EU law (Article 46 recast Asylum Procedure Directive; Article 47(2) Charter of Fundamental Rights of the European). This means that any administrative arrangements, digital or otherwise, implemented by authorities cannot be a hindrance to the process of filing an appeal. As such, applicants must be secured an adequate amount of time to file their appeal and to receive proper legal counselling. However, the use of digital tools themselves during an appeal is not regulated by EU law, though the International Court of Justice (ICJ) has developed a series of recommendations for the use of such technologies (ICJ, 2020). It should also be noted that one of the previously listed criticisms of using algorithms or machine learning in decision-making processes was the lack of transparency, which makes it harder for the applicant to identify the grounds for rejection and therefore also the grounds for filing an appeal. This therefore begs the question whether the use of non-transparent digital tools as basis for rejections/acceptances of asylum claims is in conflict with EU law.

The lack of a comprehensive international legal framework for the use of digital tools in asylum procedures is perfectly exemplified by the disparate use and implementation of technologies, which was illustrated in the previous chapters. It should furthermore be noted that while the CEAS underlines the necessity of educating staff and involved actors in the operation of digital tools, there is no specific skill set required of staff for selecting, handling and interpreting data.

2.3 Danish legal framework

2.3.1 Danish Alien Law

According to the Danish Alien Law, individuals seeking residency on the basis of asylum are immediately obligated to provide biometrics in the forms of fingerprints and photographs

(Udlændingeloven, § 40a Stk 1). The use and storing of such biometric data has furthermore been amplified with the previously mentioned expansion of the Danish Alien Law that also brought about the broadened use of data extraction. For instance, fingerprints and photographs can now be stored for up to 20 years after they have been taking or in up to 10 years, if an individual has been granted temporary residency (Udlændingeloven, § 40a Stk. 14; Udlændingeloven, § 40b Stk. 13). However, both will be erased if the individual in question received Danish citizenship. Additionally, fingerprints and photographs screened from asylum seekers can be registered in a special edb-register run by the police, which can be accessed and used by the police themselves, the Danish Immigration Services and the Repatriation Board for the purpose of processing asylum claims (Udlændingeloven, § 40a Stk. 3; Udlændingeloven, § 40b Stk. 3). Fingerprints and photographs received by foreign immigration authorities can be lodged within the same register (Udlændingeloven, § 40a Stk. 4; Udlændingeloven, § 40b Stk. 4), and the police, the Danish Immigration Services and the Repatriation Board can without consent from the asylum seekers forward the fingerprints and photographs, both manually and electronically, to internal and foreign immigration authorities for the processing of asylum claims. The police can furthermore, for the purposes of identification or the production of travel documents, forward such data to the applicant's country of origin or a representational country - and moreover to international police cooperation organisations (Udlændingeloven, § 40a Stk. 9; Udlændingeloven, § 40b Stk. 9). The registration of fingerprints and personal photographs should be facilitated in as gentle a manner as the specific situation calls for, however force is permitted if deemed necessary (Udlændingeloven, § 40a Stk. 10; Udlændingeloven, § 40b Stk. 10)

As mentioned in Chapter 1, the expansion of § 40 of the Danish Alien Law has made it permissible for the police to confiscate or extract any documents or items without the applicant's consent for identification purposes, or if the items are perceived as being important for the asylum procedures (Udlændingeloven, § 40 Stk. 9) - thereby permitting the police to employ MSAB's XRY software to extract digital data from electronic devices. The Danish Immigration Services and the Refugee Board can furthermore gather and utilise data from other asylum claim and residency-permit cases and even process two or more cases together without the consent of the asylum seeker (Udlændingeloven, § 40a Stk. 2; Udlændingeloven, § 40b Stk. 3). It should be noted that the Danish Alien Law as such does not specify any regulations or guidelines for the handling and interpretation of the data

extracted, thereby mirroring international legislation. Furthermore, the criteria for the selection of relevant data is largely left to the authorities' discretion as well.

In the proposal for the alteration of the Danish Alien Law and the proposed expanded use of biometrics, the former minister for Immigration and Integration, Inger Støjberg, states how identification is an integral part of the Danish authorities 'control work' within migration management and that the proposed changes will provide the authorities with better opportunities for extracting, storing and processing biometric data (Forslag til Lov om ændring af Udlændingeloven (Øget brug af biometri m.v.), 2017). She proceeds by emphasising the importance of gathering data that provides insight into asylum cases and which can thereby support the authorities in making accurate and just decisions. The other political parties (S, V, DF, LA and KF) that voted to pass the bill, mirrors her sentiment and draws attention to its ability to prevent efforts of forgery and fraud within the migration area (Betænkning over forslag til lov om ændring af Udlændingeloven, 2017).

As such, the political discourse from the aforementioned parties (two of which – S and V – make up the current government together with the newly formed party Moderaterne) with regard to the use of data extraction to inform decision making processes is two-sided. On one hand, they stress how such employment might benefit and support Immigration Services and the Refugee board when processing asylum cases, thereby ensuring impartial and indisputable adjudications. However, the use of such techniques within migration management is also being heavily connected to the concept of control and surveillance. Therefore, the law and its actual practice, which has expanded the authorities' capacity for the employment of such technologies on migrants, can be subjected to function creep thereby allowing the use of these techniques to creep into other areas concerned with security and surveillance rather than protection.

2.4 The Danish asylum system

The following chapter is going to provide an in-depth account of the different sequences of the Danish asylum system. It is important to note that the procedures will vary depending on whether the applicant is an adult or an unaccompanied minor (under 18 years old), and whether they are an Ukranian citizen or not.

An adult is able to seek asylum based on three different provisions in the Danish Alien Law: Convention Status, Protection Status and Temporary Protection Status. They can receive a

residency-permit as a refugee with convention status, if they are covered by the 1951 Refugee Convention. They can receive a residency permit as a refugee with protection status if, upon returning to their country of origin, they are at risk of receiving the death penalty or being subjected to torture or other forms of degrading and inhumane treatment and punishment. Lastly, an adult can receive a residency-permit as a refugee with temporary protection status, if there is a particular serious situation in their home country, which has resulted in arbitrary violence and assault of civilians - thereby putting them at risk of receiving the death penalty or being subjected to torture or other forms of degrading and inhumane treatment and punishment (Udlændingestyrelsen, n.d.).

2.4.1 Phase 1: Reception and registration

In order to apply for asylum, the applicant has to register themselves personally with either the police at the Danish border, at a Danish police station, at the airport or at Reception Center Sandholm. Thereafter, the applicant is obligated to have their fingerprint and photographs (biometrics) taken by the police, which is fed into the EURODAC database (Refugees Welcome, 2020, p. 13). They furthermore will require the applicant to inform them of their name, date of birth, country of origin and the applicant will need to hand over any identification documents (Refugees Welcome, n.d.). Afterwards, the asylum seeker will be issued a personal identity card, which works as the applicant's personal ID, and proves their status as an asylum seeker in Denmark. Afterwards, the applicant will be shown a video about the asylum procedure. During this initial registration phase the asylum seeker is not obligated to provide any in-depth reasoning for their application. After completing the registration phase, the applicant is installed in a room by the Red Cross, and will shortly after be called in for a health check (Refugees Welcome, 2020, p. 13). Unaccompanied minors will be introduced to a representative from the Red Cross and allocated to a special centre, however most are called in for age assessments to determine whether they truly are minors. (Refugees Welcome, 2020, p. 13).

2.4.2 Phase 2: Form filling and OM-conversation

The first step in the asylum procedure is that the applicant is required to fill out a written form, where they will have to answer questions about their name, date and place of birth, latest address in country of origin, family relations, date of departure, travel routes and their motivations for seeking international protection (Refugees welcome, 2020, p. 14). If the applicant is not able to read it or fill it out, an interpreter will assist them. Before filling out

the form, they will be offered a guidance session from a case worker from the Danish Immigration Service, which usually takes place in the presence of other applicants filling out the same form. Afterwards, the applicant is shown into a separate room, where they fill out the form on their own (Danish Refugee Council, n.d.).

Afterwards, the applicant will receive an appointment with the Danish Immigration Service (IS), where the first interview will be conducted, this is known as the OM-conversation and it is conducted by a caseworker with an interpreter present (Refugees Welcome, 2020, p. 14). The conversation is meant to provide IS with an overview of the case at hand, help them determine whether the applicant has a residence permit elsewhere and whether the case is admissible in Denmark in accordance with the Dublin III Regulation - thereby identifying whether the case needs to be processed in another European country (Danish Refugee Council, n.d.). If they determine that the case is not admissible, the applicant can lodge an appeal by informing the Danish Immigration Service of this during the interview or by sending them a complaint form afterwards, but no later than seven days after the decision has been stated. When lodging an appeal, the applicant reserves the right to be represented by the Danish Refugee Council during the case, who will then invite the applicant for an interview with a legal advisor and write out the appeal. The appeal will then be sent to the Refugee Appeals Board, which will make the final decision regarding which country the case should be processed in.

2.4.3 Phase 3: Processing and asylum interviews

If the Danish Immigration Service determines that the case is admissible for processing in Denmark, they then decide whether the case needs to be processed in accordance with the normal procedure, the manifestly unfounded procedure or the expedited version of the manifestly unfounded procedure. If the application is processed in accordance with the normal procedure, the Danish Immigration Service will usually invite the applicant for a second interview known as the NP-conversation, so that they can receive a more detailed explanation of the applicant's motivation for seeking asylum, along with their travel route and identity (Udlændingestyrelsen, n.d.). The case worker will guide the interview forward by referring to the information provided by the applicant in the filled-out form and the first introductory interview. During the interview, the case worker from the Danish Immigration Service is obligated to write a summary of the conversation, which at the conclusion of the interview is repeated back to the applicant in order to avoid errors and misunderstandings

(Danish Refugee Council, n.d.). Sometimes the normal procedure also results in a third interview (Refugees Welcome, n.d.), which are called 'Gen-samtaler' (Refugees Welcome, 2020, p. 15).

If the application is considered manifestly unfounded, the Danish Immigration Service could either not identify any legitimate claim to asylum or following the praxis of the Refugee Board, the applicant's motivation does not lead to asylum. The Danish Immigration Service usually base such decisions on the first conversations (Udlændingestyrelsen, n.d.). Though, when a case is found manifestly unfounded, it is also submitted to the Danish Refugee Council for evaluation. If they agree with the Danish Immigration Service's decision, then the applicant receives a rejection, however if they disagree the case is transferred to the normal procedure (NM). In instances of rejection, the case will be transferred to the Refugee Board for appeal (Udlændingestyrelsen, n.d.).

Expedited application processing is employed if an applicant comes from a specific country that makes it assumable that the application is manifestly unfounded. The list of countries were updated in January 2023 and includes the following countries: Norway, Switzerland and Iceland, Albania, Australia, Bosnia and Herzegovina, Canada, Great Britain, Japan, Kosovo, Liechtenstein, Macedonia, Moldova, Mongolia, Montenegro, New Zealand, Serbia and the United States. Georgia is also on the list, but with certain exemptions (Udlændingestyrelsen, n.d.). If an application is processed in accordance with this procedure, the applicant is not required to fill out an application form and will be very quickly called in for an interview with the Danish Immigration Service. Thereafter, the applicant will be called in for a conversation with the Danish Refugee Council, and if they are in agreement with the Danish Immigration Service, the applicant will receive a quick rejection (Refugees Welcome, 2020, p. 14).

All interviews take place in the Sandholm Reception Centre in a small office and can last between 3-8 hours. The applicant sits at a small table next to the appointed interpreter, meanwhile the case handler sits behind their desk with a desk-top computer (Refugees Welcome, 2020, p. 15). The first couple of questions are usually about education, family, employment and housing. If the identity of the applicant has not been validated by any ID documents, the questioning will often take the form of a test, as the applicant will be asked a number of questions concerning the country they claim to come from (Refugees Welcome, 2020, p. 15). Afterwards, the interview will focus on conflicts with authorities and political

activities in terms of detentions, arrests, military service. Towards the end the questions will focus more on the specific asylum motive. The questioning will often be characterised by non-linearity, as the case handler will jump back and forth between various subjects in order to evaluate coherence and identify connections (Refugees Welcome, 2020, p. 15). Based on the interview, a summary will be produced, which is not a precise transcription but rather rewritten in what Refugees Welcome term 'asylum language', which is employed by the IS and the Refugee Appeals Board. The summary does not contain any references to the applicant's behaviour, facial expressions, body language etc. (Refugees Welcome, 2020, p. 16).

2.4.4 Phase 4: First instance decision

Normally the applicant will receive a letter within a couple of weeks of the last interview with the decision. If they are granted protection it will contain a couple of sentences explaining why the applicant has received asylum and which status they have been granted. If the applicant has not received convention status, then there will be a paragraph that outlines how they can appeal the status they were granted. If the applicant's asylum claim has been rejected, then the first paragraph will state that the case has been automatically forwarded to the Refugee Appeals Board, which is the second instance authority, and that they will have a lawyer appointed to them. The rest of the letter is dedicated to explaining the reasoning behind the rejection (Refugees Welcome, 2020, p. 16).

2.4.5 Phase 5: Second instance decision

After receiving their rejection, the applicant will be sent a list of lawyers that they can choose from. After receiving all relevant documents and information from IS, the lawyer will call the applicant in for a meeting. It normally takes the Refugee Appeals Board between 6-12 months to forward the files. Based on all the files and any supplementary information provided by the applicant, the lawyer will write a legal proceeding wherein they will argue why the applicant has the right to protection. Often they will refer to or include documentation of similar cases or other relevant background information (Refugees Welcome, 2020, p. 17). The Refugees Appeals Board will then call a board meeting in Copenhagen, where the applicant, their lawyer and an interpreter will be present. The board, which makes the final decision, consists of three members who each have one vote, a judge who presides as the Chair, a person from the Ministry of Immigration and Integration, and lastly a person appointed by The Danish Bar and Lawyers Council .The meeting will open

with the applicant's lawyer asking questions followed by IS and then lastly the board members. The decision made at the second instance is final and cannot be appealed. The applicant will receive a summary of the decision, if their appeal is rejected they will have seven days to leave Denmark (Refugees Welcome, 2020, p. 17).

3) Literature review

The following chapter will consider existing literature that studies the motives behind and discourses underpinning the employment of digital technologies, and how they might reconfigure migration practices and impact migrants. It will furthermore account for the current research examining the use of digital tools within the Danish asylum system, and what factors shape asylum authorities' perception and assessment of credibility.

3.1 Digital technologies within migration management

There is a plethora of scholarly research both within security studies and border studies, which examines digital technologies as techniques of governance aimed at problematizing the 'border' as an issue of security (Neal, 2009). Leese (2016) is interested in examining the processes that bring Europe's smart borders into being and views it as an attempt to create a common framework that connects both economic and security rationalities. Den Boer & Van Buuren (2012) discusses how the use of surveillance technologies (large scale databases, biometrics, networked information systems etc.) as governance techniques has propelled us into a surveillance society, which is then justified through the securitization of migrants as threats against the national state. Other scholars have chosen to focus on how the use of technologies transform existing structures and environments within migration management. Here, plenty of attention has specifically been afforded the concept of borders, and how biometrics, digitization and information and communications technologies (ICTs) further deterritorialize them. Scholars such as Dennis Broeders and James Hampshire (2013) exemplify how ICTs facilitates the dispersion of borders beyond any spatial geopolitical lines, whereas Grünenberg, Møhl, Olwig & Simonsen (2020) examine how different border regimes materialise, whenever biometric technologies are being utilised in various contexts. Meanwhile neo-colonial scholars emphasise how these technologies reinforce colonial regimes of subordination as they further facilitate racialized processes of inclusion and exclusion (De Genova, 2018; Achiume, 2021). Scholars (Walters, 2006; Sontowski 2018; Bigo, 2008) has further remarked on how digitalization and digitization at its core is a

technique of exclusion and inclusion designed to control the flows of international mobility - restricting the access of securitized (and racialized) subjects. The implementations and experimentations of technologies within migration management is according to Molnar (2019) only made possible due to the fact that migrants historically have been represented as a population to be 'managed' and controlled. She draws on Agamben and supplies the existing body of literature with a human rights perspective that focuses on how such securitized representations normalises differentiations of rights and justifies states of exceptions. Other Human Rights scholars have employed concepts like data colonialism and data justice to examine and criticise how a deliberate lack of regulations allows for techno-solutionism to proliferate within migration management (Couldry & Mejias, 2019).

3.3 The use of digital technologies in asylum procedures

The existing literature concerning the implementation of digital tools within asylum systems are primarily related to the risks of reproducing colonial relations of dependence and thereby conditions of inequality in processes of inclusion and exclusion (Dahler, 2020; Achiume, 2021; Madianou, 2019), the question of data privacy and data justice (Martin & Taylor, 2019; Kaurin, 2019), access to technology and tech-illiteracy (Ott & Testi, 2021) and the non-transparency of machine learning and algorithms and its potential for reproducing human biases (Beirens, 2022; Nalbandian, 2022).

Nanna Dahler, for instance, argues that the use of biometrics in the age assessments of young asylum seekers are not only deeply invasive but also presupposes that there can exist an objective measure of age. This situates the Danish state as the authority of truth and the asylum seeker as the passive objects, which reinforces a colonial relationship of domination and submission (Dahler, 2020, p. 25). Meanwhile, Aaron Martin & Linnet Taylor points out how the use of biometrics for identification purposes plays into unequal regulatory frameworks that can limit access to both spaces and services for minority groups. In order to ensure that such technologies do not reinforce processes of inclusion and exclusion but rather challenge existing frameworks, it is necessary to incorporate a data justice perspective. This would encompass an emphasis on accountability, consent and transparency in the design, implementation and use of biometrics (Martin & Taylor, 2019, p. 62).

Jean-David Ott and Eleonora Testi emphasise that some digital tools that are currently being employed within various asylum systems, are not designed for certain individual

circumstances. This means that factors such as a lack of proper equipment, a lack of access to equipment and tech-illiteracy can become major obstacles for securing asylum. Therefore, the implementation of digital tools in the asylum system should always be accompanied by proper IT infrastructure and efficient maintenance, the tools should be adaptable to individual circumstances, and a non-digital alternative or human support should be offered by well-trained staff (Ott & Testi, 2021, p. 6). Hanne Beirens, while also noting the benefits of employing algorithms and machine learning when processing asylum claims, points to the lack of transparency apparent when such technologies are used to make decisions. They make it hard to pinpoint the factors that prompt a negative or positive result, which renders it extremely difficult for an applicant to appeal a decision, as they have to state the grounds of the appeal. Another risk is the possibility of encoding the biases of the people designing, setting the criteria for and using the algorithms - and these potential biases and prejudices might in turn be further masked by the opaqueness of the technology (Beirens, 2022, p. 11).

While apprehensions towards the digitalization of asylum systems have been vocalised through various perspectives, there is a lack of academic literature dedicated to examining how digitalization might contribute to existing dehumanisation, universalisation and silencing processes. Nanna Dahler briefly touches upon the subject, when she describes how the use of biometrics mute the asylum body, as both truth and objectivity can only be found through determined scientific criteria, and the narratives these measurements tell. However, her focus is still decidedly fixated on the colonial power relations in play in the imposition of these technologies rather than their impact on the asylum seekers' possibilities of representing themselves instead of having to conform to 'objective criteria'.

3.4 The role of credibility in asylum decision-making processes

A variety of scholars have produced papers concerning the role of credibility assessments in decision making-processes in the Danish asylum system. Trine Rask Nielsen and Naja Holten Møller employ data science techniques to gain an understanding of how credibility is constituted by sampling and analysing 50 asylum case summaries extracted from the Danish refugee board's repository (Nielsen & Møller, 2022, p. 6). As such, they emphasise how data is used to configure applicants as credible or not - the data varying from personal testimonies to information acquired about the applicants through registers and databases. Their findings point out that assessments of credibility is very much a discretionary practice that both allows for the influence of empathy and subjectivity (Nielsen & Møller, 2022, p. 5). The assessments

are furthermore concerned with pinpointing divergences and contradictions between the different forms of data and documentation connected to the case (Nielsen & Møller, 2022, p. 1). Nielsen and Møller additionally stress how asylum authorities are therefore becoming increasingly concerned with securing more data about the applicants to a point where the privacy of asylum seekers is of very little concern. The data itself is also being assigned categorical meaning, which doesn't necessarily include the perspective, knowledge and participation of the asylum seeker (Nielsen & Møller, 2022, p. 1).

However, their analysis and findings do not incorporate a potential differentiation between the various types of data and what level of importance is assigned to them by asylum authorities. This means that while their study provides excellent insight into the use of data when determining credibility in the Danish asylum system, it does not consider whether digital and external data might be perceived with more validity than that of personal testimonies. Furthermore, their dataset only encompasses cases that have been rejected by IS, the first instance decision making authority, which means that their data cannot be considered completely representative of the factors influencing credibility assessment processes. It is also important to note that the case repository only includes case summaries, which means that no transcripts of the personal interviews are included, which of course is appropriate considering the highly private nature of the information shared. However, it is necessary to take this into consideration when evaluating the validity of the studies, as it signifies a lack of context and information, which could be vital for understanding the logic behind certain credibility assessments.

Panagiota Katsikouli et al. also notes the discretionary aspect of evaluating asylum seekers' credibility, meaning the extra-legal factors that influence adjudications. They pinpoint how recent studies have demonstrated that implicit biases and stereotypes might affect credibility assessments along with both the gender and experiences of the adjudicators, and how there have been noticeable connections between the outcomes of asylum cases and external factors such as political events. Their research specifically examines the variations of recognition rates based on categories such as the applicant's nationality, identified gender, ethnicity and religion (Katsikouli et al., 2022, p. 1). Like Nielsen and Møller, their data set has been extracted from the Danish Refugee Council's repository of asylum appeals by randomly sampling 50 cases and applying Machine Learning classifications to examine the predictability of rejection and overturn rates. They conclude that the predictability outcome is shaped by the classifiers (Katsikouli et al., 2022, p. 11). They for instance note the high

overturn rates of Syrian and Ethiopian applicants, especially compared to the complete rejection rates of Moroccan and Libyan applicants (Katsikouli et al., 2022, p. 7).

While it is both interesting and important to consider that certain classifiers might shape adjudicators evaluation of an applicant's credibility, the same limitations that applied to Nielsen and Møllers' dataset also apply here. Furthermore, which they also recognize in their paper, it's not possible to establish irrefutable causal links between the classifiers and the outcomes of the appeal, since a lot of other contextual factors will play a role in the decision making processes. It would also be pertinent for them to take a more intersectional approach and cross-examine the classifiers, as it is the convergence of multiple classifiers that will shape people's perceptions of a person. For instance, the perception, discourse and stereotypes connected to muslim men are very different from that experienced by muslim women.

Lærke Winther Christiansen's research offers a post-colonial lens aimed in her effort to identify the structural components that shape credibility assessments in the Danish asylum system. This is mainly achieved through the conduction of six interviews with various legal advisors in the form of lawyers, aid workers and volunteers (Christiansen, 2022, p. 22). Her paper provides insight into how knowledge and language is constructed within the asylum system through a Westernised point of view. As such, the criteria for assessing credibility and identifying what can be perceived as knowledge are deeply problematised, as they are thoroughly shaped by Western ideals of universality, objectivity and scientific accuracy (Christiansen, 2022, p. 38). Here, she specifically focuses on the power dynamics in place in terms of which actors have the authority to determine what type of information and knowledge is deemed credible and the ways in which the backgrounds and experiences of decision-makers' influence their ability to form unbiased decisions (Christiansen, 2022, p. 38). She also emphasised how the narratives of asylum seekers undergo a multitude of both practical and social processes, which abstracts them from their original contexts and reconfigures them to fit within the structures and hegemonic discourses of both the asylum system but also Danish society (Christiansen, 2022, p. 48). Her study thereby recognizes the overall societal, cultural, political and at core colonial power structures that shape the ways in which knowledge is perceived and credibility assessed by asylum authorities, and how this impacts the criteria for submitting a successful asylum application. However, it does not take into consideration how such Westernised practices might be reshaped or possibly reinforced by digitalization processes and digital governmentality.

4) Theoretical framework

4.1 Choice of material

It is important to understand the shift from neo-liberal governmentality to digital governmentality, as this signifies a shift in the perception of the individual, which is subjected to such governmentality, and the ways in which knowledge production has undergone transformation. This transformation is underpinned by a logic introduced by certain big data and surveillance technologies, which can be described as post-human in its rejection of individual rationality and self-conception when ascertaining credibility and truth. The proliferation of big data and surveillance technologies within the asylum system is therefore an indicator of such logic being applied within the asylum procedures. Therefore, it's vital to possess an understanding of digital governmentality and how its logic might underpin current data practices within the Danish asylum system, especially since they might exacerbate or reinforce existing discourses concerning asylum seekers. As such the theoretical framework focuses on examining the logic of digital governmentality and its transformation of knowledge production. In order to further understand the potential pitfalls

 Meanwhile the concepts employed by CRS scholars Liisa Malkki and Nando Sigona will serve as the framework through which processes of universalisation, depoliticisation and dehistoricization is understood, and how these might interact with current data practices within the asylum system. This will be further complemented by Nick Haslem's theoretical framework concerning dehumanisation in order to further encapsulate how certain processes might underpin discourses, which strips refugees and asylum seekers of their agency and individuality and silences their voices.

4.2 The logic of digital governmentality

The concept of governmentality developed by Michel Foucault refers to the 'art of government', which means the tactics, techniques and mentality of government that seek to exercise power over and govern the conduct of an object (Foucault, 1991, p. 102). However, as power is both dependent on and reproduces knowledge in accordance with its objectives, governance requires knowledge of its subjects and the type of conditions and techniques necessary to realise its intentions (Foucault, 1991, p. 96).

According to Finn Dammann, Christian Eichenmüller and Georg Glasze, many scholars are arguing that processes of digitalization are extensively changing the techniques through which people are being governed, thereby replacing neo-liberal forms of governing with what has been widely dubbed 'digital governmentality' (Dammann et al., 2022, p. 1). However, digital governmentality can very much be viewed as an extension of neo-liberal governmentality as they share the individual as their object of knowledge and governance, which is a rejection of the collective mentality of liberal governmentality that is rather aimed at governing the population (Barry, 2020, p. 368). Therefore, the real transformation is instigated by the digital techniques that accompany digital governmentality, as they establish a shift in how the individual is perceived. Neo-liberal governmentality perceives the individual as a rational agent and emphasises this inner-rationality or self-cognition as the object of knowledge and analysis (Dammann et al., 2022, p. 1).

However, the need for human rationality to act as the contact point between the individual and the power relations in question has been rejected. With the existence of big data and surveillance technologies designed to record and register information and online behaviour in a myriad of different contexts, it is no longer necessary for individuals to tell the truth about themselves (Barry, 2020, p. 372). According to Barry, this is due to the fact that online data is viewed as more 'pure' and factual by data scientists, as the online behaviour of individuals is perceived as being expressed freely from any constraints. Interestingly, the absence of constraints seem to refer to how the statistical analysis of populations were restrained by the variables, structures, and language selected by experts for surveys and questionnaires (Barry, 2020, p. 369). Meanwhile, the argument that big data and surveillance technologies do not submit any recorded data to pre-codifications illustrates how the operation of technologies are seen as being wholly disconnected from the data recorded. They are understood as a guarantee for objectivity, since they allow individuals to express themselves freely unaffected by both external impositions and internal subjectivities and aspirations (Barry, 2020, p. 370).

Dammann et al. states that this perspective correlates with one of the factors that denotes a specific rationality of governing. The belief that objective insights about social reality can be achieved through a computerised access to human behaviour, which records and analyses individuals' online traces, thereby signifying a whole new method of knowledge production (Dammann et al., 2022, p. 2). This means that knowledge is no longer sought for in the development of theories or hypotheses, since truth and credibility now can be accessed

through the correlations within large amounts of data sets - the analysis of which surpasses human subjectivity. This kind of knowledge production has been dubbed post-explanatory, post-discursive and post-human (Dammann et al., 2022, p. 2).

Incorporating the perspective of Critical Data Studies can help exemplify why this kind of logic can be extremely problematic, as it highlights how power and ideologies interact with data collection, processing and interpretation. José van Dijck specifically problematizes how data has become a dominant lens through which reality and social behaviour is understood (Van Dijck, 2014, p. 198). According to him, big data and therefore datafication is viewed by some researchers as a goldmine of behavioural knowledge, where data extracted from Google, Facebook, Instagram, Twitter etc. are thought of as actual imprints or symptoms of people's thoughts, feelings and opinions. They also echo sentiments of digital governmentality, as these traces are perceived to be left unconsciously (Van Dijck, 2014, p. 199). This betrays a belief in the objectivity of data and in the tracking of all types of individual social behaviour through online data, as it is viewed as a raw uninfluenced material (Van Dijck, 2014, p. 201). However, Van Dijck duly states that the idea of raw data is basically contradictory, as data are not facts but rather the rhetorical foundation of arguments. They mean nothing unless interpreted through selected analytical methods guided by a certain focus, and there will therefore always be an interpretive framework which predates the analysis (Van Dijck, 2014, p. 201). As such, the use of data necessitates a critical interrogation of one's own subjectivity as it is an intrinsically interpretative practice. Therefore, it should be identified beforehand why specific patterns are being looked for, in whose interest and for which purposes (Van Dijck, 2014, p. 201). Furthermore, online data is cultural objects, which are usually multilayered, performative and products of different kinds of cultures, circumstances and forms of socializations, and should hence be approached as multi-interpretable (Van Dijck, 2014, p. 202)

As such, digital governmentality seeks to produce knowledge about its subjects through the implementation of technologies, which supposedly bypasses the need for human involvement. This is underpinned by the logic that digital data is automatically credible, as online l behaviour is expressed more freely due to the lack of structural constraints and the fact that the subject is unaware they are being observed for specific purposes. Moreover, the perception that extracted digital data is raw and unmanipulated diminishes the influence that human biases can have in the selection of relevant data, identification of specific patterns and

the overall interpretation of these. In fact, such biases might become amplified through this notion of objectivity, since it might minimise the interrogation of one's own subjectivities. It is also interesting to note that this idea that truthfulness can be found in digital data rather than within individuals' capacity for self-cognition and self-representation mirrors the ways in which credibility is constituted through external evidence both within the Danish asylum system, as outlined in the literature review, and in the refugee camp, which will be illustrated in the following section.

4.3 Mechanisms of universalisation and silencing

In Malkki's anthropological field research conducted with Hutu refugees from Burundi living in Tanzania, she examines how certain processes of dehistoricization and universalisation are embedded within institutional practices, specifically humanitarian interventions (Malkki, 1996, p. 378). These processes are reinforced by how the category of 'refugee' is constructed, perceived and represented by not only institutions but also media outlets and the general public. While the Hutu camp refugees' conception of their refugeeness were intrinsically political and firmly situated within the historical and cultural conditions of their experiences, this collided substantially with the notions entertained by the administrative staff from both the Tanganyika Christian Refugee Service (TCRS) and the UNHCR (Malkki, 1996, 384). Mallki points to the ways in which the refugee administrators recognize the legal claim to refugee status while simultaneously undermining it through their normative expectations and personal definitions (Malkki, 1996, 378).

According to Mallkii, these imaginaries of refugeeness, which occupy institutional spaces, serve to depoliticize the refugee along with their lived experiences, circumstances and narratives, thereby concocting a universal humanitarian object (Malkki, 1996, p. 378). The effect of constituting refugees in such universalising terms is that they cease to be individuals and rather become generalised victims, whose conditions and circumstances turn abstract, ahistorical and undefined within the collective memory of migration management authorities, humanitarian agencies and western populations. The pure victimhood associated with refugeeness is further substantiated by the ceaseless standardising imagery of 'bare humanity' produced by western media, which seems to further eradicate any trace of contextuality and individuality (Malkki, 1996, p. 384). These universalising and depoliticizing processes creates institutional spaces, not only within humanitarian agencies and interventions but also within refugee and migration management at large, where refugees and asylum seekers are

viewed as mute victims rather than historical and autonomous actors. Furthermore, the insistence on forgetting and disregarding details, contexts, histories and politics, which is so often reproduced through universal sympathetic outbursts, serve to further dehumanise refugees and asylum seekers, as their bodies are stripped from any distinguishable marks and rendered anonymous (Malkki, 1996, 389).

Malkki aptly remarks that it initially can be difficult to spot what exactly is so problematic with the universal outcries of compassion and sympathy from individuals and humanitarian agencies alike, however not only does such sentiments reproduce the aforementioned effects of dehumanisation, it further erases the ways in which humanitarian intervention and representation is deeply embedded in historical contexts themselves. As such, the purpose or effects of universalisation is not only to silence and thereby dehumanise refugees, it is also to erase any palpable link there might be between their situations and our histories and actions (Malkki, 1996, 389).

The production of bare humanity and speechlessness naturally materialises in how staff within migration and refugee management and humanitarian agencies approach refugees and asylum seekers, as they will automatically search elsewhere for credible and objective information and evidence. Mallki exemplifies this by referring to her presentation of her field research to the TCRS staff, and how easily any narrative evidence was dismissed as irrelevant, unusable and untrustworthy to the organisation - even to a point where is was viewed as a potential obstacle to their administration of the camp (Malkki, 1996, p. 383). It is even further substantiated by the staff's proclivity for identifying what they perceived as the 'real' refugee through what Mallki terms extralegal criteria. Primarily this was related to the visual appearance of the refugee and to some extent their conduct, which further emphasises both the dismissal of personal testimonies and narratives in favour of external and 'scientifically objective' evidence, and also the performative dimension to the obtainment of refugee status (Malkki, 1996, p. 384). This can be seen illustrated through the attentiveness afforded the refugee body, as the wounds they exhibit are accepted as more credible than the words that they speak. As such, this characterization of 'real' universal refugeeness comes with imposed victimhood and speechlessness, and an expectation that refugees should conduct themselves in accordance with these constructed infantilizing and feminised representations of victimhood and helplessness. If they step outside of this category and attempt to speak up about or negate existing perceptions of their experiences and circumstances, they are ironically identified as less refugee-like, and their words and

narratives are therefore treated as less credible. Malkki specifically notes that some administrators had a proclivity for viewing the refugees as story-tellers, who were prone to be dishonest and to exaggerate, which is why their bodies had to speak for them (Malkki, 1996, p. 384). This can then furthermore be seen in relation to Judith Butler's conceptualization of performativity, as she views it as the continuous repetition of certain discourses consequently has the power to produce the subject that it wishes to constrain (Butler, 1993, p. xii). It furthermore means that when a group of people is subjected to a certain rhetoric, and its affiliated practices are repeated within certain spaces, such as the asylum system, it can have dehumanising effects.

Malkki continues by emphasising the authority that 'bare facts' have in opposition to narratives and stories, which are frequently thought of as subjective, inconsistent and unstructured (Malkki, 1996, p. 385). In the Hutu refugee camp it was the physical and medical non-narrative evidence that held authority - and to a smaller degree the performance of refugeeness - and this perception of external 'bare' facts as constitutive of credibility and trustworthiness is naturally present within and impacts the structures of other institutional spaces. Physical and medical evidence is still viewed and employed as bare facts within the Danish asylum system, which is illustrated in the use of such evidence in age assessments and torture screenings. However, as alluded to within the previous section, the rise of big data and surveillance technologies have transformed the ways in which knowledge is thought about and produced. This means that the purposes for which these external bare facts can be used have been greatly extended.

According to the logic of digital governmentality, this would entail little complications, as the technologies supposedly bypass human subjectivity by foregoing any predefined categorizations and indicators. However, considering how this universalizing and dehumanising category of refugeeness, defined through imaginaries of victimhood and speechlessness, persists within humanitarian spaces, it might be prudent to note whether such subjectivities can affect the use, selection and interpretation of such data. Here, it is especially interesting to examine how the credibility afforded external bare facts might interact with the performative dimension of refugeeness. As stated in the previous section, online behaviour is viewed as being more credible, as it is supposedly expressed more freely. As such, the performative dimension, which in Malkki's fieldwork is securely positioned in the physical realm, may be transferred to the digital one, which means that online behaviour,

unconsciously or consciously, could be evaluated based on its correspondence with existing discourses regarding refugeeness.

4.4 The reconfiguring of narratives

This section is primarily concerned with the production and consumption of refugee narratives and voices, and how the concept of and search for 'credibility' materialises in structures and processes, which tend to further silence and marginalise refugee voices. Similarly to Malkki, Sigona's paper 'The Politics of Refugee Voices: Representations, Narratives and Memories' explores how different power relations employ a humanitarian discourse to frame and produce the refugee and asylum seeker as a particular type of subject detached from political agency and historical circumstances. He furthermore uses similar terms as Malkki to outline how Western humanitarian agencies employ a discourse of trauma and victimhood to further substantiate a dehistoricized category of humanity (Sigona, 2014, p. 372).

This means that there are a variety of both personal, national and international factors that play a part in shaping and framing refugee narratives, and the ways in which they are interpreted and acted upon (Sigona, 2014, p. 369). Therefore, the sharing and production of narratives and experiences will always happen in relation to the contexts, hegemonic discourses and practices prevalent within society. As such, the practice of storytelling amongst refugees and asylum seekers within institutional spaces involves drawing from ones' available cultural repertories in an effort to render personal experiences and views intelligible to others (Sigona, 2014, p. 370). However, storytelling is an exceedingly diverse practice, as the experiences of migrants are inherently intersectional and shaped by race, ethnicity, gender, age, class etc. (Sigona, 2014, p. 370), and the discourses that uphold the universality of the refugee as a one-dimensional category usually fail to represent the plurality and diversity of refugee identities. Rather, as can be seen illustrated in the previous section, refugee representation in media outlets and political and humanitarian discourse tend to emphasise a surface-level depiction, which is infantilizing and invalidates refugee agency. The lack of attention given to how individual circumstances, cultures and identities shape personal experiences also further abstracts their narratives from historical, political and social processes.

These discourse, however, do not only impact the attention and legitimacy afforded refugee voices and their narratives by abstracting their experiences from any historical, cultural and political circumstance and consequently representing them as unable to account for themselves. They also reinforce a culture of disbelief, which shapes the ways in which refugees and asylum seekers' voices are dismembered and reassembled as a 'legal narrative'. The legal narrative is structured and designed to correlate with the criteria deemed necessary to evaluate the truthfulness of asylum claims (Sigona, 2014, p. 374). This means that while the asylum procedure relies heavily on asylum seekers' personal narratives, it's the way these narratives are structured and presented together with the external evidence provided by experts, and increasingly the digital data extracted from electronic apparatuses, which is employed to measure credibility (Sigona, 2014, p. 374).

In other words, the asylum assessment procedures usually involve an investigation of the given 'subjective' narrative in order to determine any 'objective' legal truths. The process is thereby guided by an 'internal coherence' and 'external consistency' protocol, where the perception of credibility relies on whether there are any inconsistencies in the claimants own account or between the personal account and external facts (Sigona, 2014, p. 374). This can be seen illustrated in how the education of case workers is very much concerned with the uncovering of lies and the identification of incongruities within narratives. According to Sigona, adopting a protocol that is increasingly concerned with structure, coherence and external evidence and validation within asylum interviews and asylum decision-making processes can be highly problematic, as there can be a variety of reasons why a claimant's narrative can appear inconsistent. Being able to recount experiences in a way that appears detailed, linear, consistent and accurate can for example be impeded by the potential trauma connected to the experiences (Sigona, 2014, p. 375).

Furthermore, the erasure of individuality and the disrupture of refugee narratives are often a product of formalism and formulism of such institutional spaces, as the formalism points to a certain protocol which the asylum seeker must follow, meanwhile formulism encapsulates how the asylum seeker is obligated to structure their narrative to fit certain criteria deemed relevant for the obtainment of refugee status (Sigona, 2014, p. 375). On their own, these two features of asylum processes already dismantle the narratives presented by selecting and pinpointing which parts of the asylum seeker' narrative and experiences can be deemed important or relevant - thereby reproducing the dependency relationship within which immigration officers, court officials and other bureaucrats are the experts. The employment

of digital data as a complement to the external evidence provided by experts might further exacerbate this dismantling of narratives, as the use of such to evaluate credibility fail to consider that storytelling is an incredibly personal practice shaped by many internal and external factors. This means that the demand for accuracy, linearity and congruence with this spike in digital evidence might be unrealistic, and it further reproduces certain power relation that situates other actors than the claimant as the experts, who possess the authority to select what data is relevant and should be treated with the most importance when evaluating asylum claims.

4.5 Processes of dehumanisation

In order to further examine the ways in which the previously identified processes of representation, silencing and reconfiguring of the refugee category can be dehumanising, this section will briefly outline Nick Haslam's broad conceptualization of dehumanisation. According to Haslam, our perception of humanness is two-folded, and therefore a person can be subjected to dehumanisation in two overarching ways, 'animalistic dehumanisation' and mechanistic dehumanisation.

Animalistic dehumanisation takes place when a person is denied features, which are viewed as being unique to humans and thereby separating them from animals (Haslam, 2006, p. 258). Here Haslam refers to civility, morality, refinement, maturity and rationality, (Haslam, 2006, p. 257) though it should be noted that many of these features upheld in Western humanitarian spaces and institutions are products of a Western discourse on humanness. However, as they are being granted a high amount of discursive power, the recognition or rejection of these qualities do have an observable effect on the treatment of people and the rights afforded them. For example, when people are being denied the features of rationality, it means that their behaviour and their words are being perceived as less rational and cognitive, thus being driven by motives and instincts rather than reason. Meanwhile, if people are being stripped of their morality, they are perceived as more likely to transgress moral codes and violate laws, which means that they are also often subjected to processes of criminalisation (Haslam, 2006, p. 258).

These two specific exemplifications of dehumanisation can be seen reflected in the previous sections. The constitution of the refugee as a universal category, whose experiences and narratives are being depoliticized and abstracted from circumstances within western

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humanitarian discourse and spaces, is comparable to the form of dehumanisation, which denies them the capacity for self-cognition and rationality. The discourse that they are not able to present credible narratives about themselves and their situations and either need external evidence or even experts to speak for them and above them is therefore inherently dehumanising. Furthermore, when this particular feature of dehumanisation is combined with the deprivation of moral sensibilities, the assumed lack of ability to represent themselves takes an even more sinister turn, as the reasons causing misrepresentation are not as much linked to discourses of victimisation but rather security and criminality. While this discourse also exists amongst imaginaries of refugees, it is more firmly illustrated in the ways that for example immigrants are perceived and represented in public rhetoric.

It is also interesting to note that the logic of digital governmentality outlined in chapter 4.2 undermines the rationality of individuals, as they are being bypassed as sources of knowledge, and credibility is instead viewed as being located externally from a person's behaviour or words - unless that behaviour takes place in the online sphere of course. This raises the question of whether the application of such logic within spaces of governmentality, might exacerbate processes of animalistic dehumanisation, or even if this kind of logic is inherently dehumanising.

The second kind of dehumanisation, termed mechanistic dehumanisation, takes place when people are denied traits, which are viewed to be inherent to human nature and therefore universal (Haslam, 2006, p. 257). In other words, traits which people are expected to possess as a result of their biological disposition. Comparatively, animalistic dehumanisation is concerned with the denial of features and characteristics, which are products of socialisation and can therefore vary across cultures (Haslam, 2006, p. 256). Haslam proposes that the characteristics identified as innate to human nature are emotional responsiveness, interpersonal warmth, cognitive openness, individual agency and depth (Haslam, 2006, p. 257). If people are perceived as lacking emotional responsiveness and warmth, they will be viewed as cold an unmoving, denial of cognitive openness will be translated into rigidity and a lack of curiosity and openness, a lack of individual agency is seen as passivity and having no personal will and being deprived of depth simply means that a person's feelings, thoughts and motivations are viewed as superficial (Haslam, 2006, p. 258). Seeing or representing a person as devoid of one of or a combination of these traits reflects objectification processes, which consequently constitutes them as machine-like.

This form of dehumanisation can clearly be illustrated in the universalizing and depoliticising tendencies existing within the practises and hegemonic discourses of humanitarian interventions and migration management agencies. Malkki exemplifies how stripping a person of their agency and individuality reproduces them as a superficial category of universal humanity, and while she points out that this particular category is regarded with sympathy it reinforces structures and imaginaries that render them unable to represent themselves.

5) Methodology

5.1 Research Design

As the aim of this project is to examine the potential pitfalls that the shift from neoliberal governmentality to digital governmentality might entail for the asylum seekers, specifically from a CRS-centred perspective, the methodological framework revolves around the production of context-based knowledge. As such, the practice of data extraction and the use of digital data in decision making processes within the Danish asylum system functions as my case study through which the intersection between digital governmentality and dehumanisation, universalisation and silencing processes will be examined. The data was collected through the conduction of three physical, online and written semi-structured interviews with case handlers and legal advisors. The flexibility of this method allowed me to create an interview guide, which could be altered in accordance to the experiences and opinions of my interviewees. This data is supplemented by reports developed by the NGOs 'Refugees Welcome' and 'the Danish Refugee Council' and three research papers accounted for in the literature review. The data has then been subjected to a thematic analysis.

5.2 Case study research

According to Robert Yin, case study research is ideal for exploring a contemporary phenomenon that is influenced by a variety of factors and variables thereby making it difficult to generate generalizable and representable results or inferences. As such, it is a perfect method for the production of qualitative in depth-knowledge about real-world occurrences (Yin, 2017, pp. 45–46). As documented in the literature review, several research papers concerning the decision-making processes regarding asylum claims have used methodological frameworks, which revolve around multiple case studies in an effort to make generalizable postulations about the role of credibility and even to assert causal links.

However, they fail to take into consideration that the production of credibility assessments within the Danish Immigration Service does not have a standard interpretive framework. This means that there are an array of variables present within every single adjudication, which makes the production of representative data extremely difficult to achieve.

Due to this fact, this case study is not concerned with identifying causal links between digital governmentality, data extraction and processes of dehumanisation, universalisation and speechlessness within the Danish asylum system, but rather to explore the various data practices that might take place within the wide-variety of contexts present in the asylum procedures and the ways in which these can result in certain pitfalls that might reinforce these processes. Here, the benefit of case study research is that it allows me to include a variety of perspectives, which might help me grasp the different circumstances within which data practices can take place.

According to Flyvbjerg, there exists a set of prevailing misconceptions amongst researchers with regard to the validity of case study research. They primarily revolve around the fact that this kind of knowledge production is not generalisable, cannot identify causal links, cannot test hypotheses etc., which deprives it of its value (Flyvbjerg, 2006, p. 221). However, Flyvbjerg aptly states that case study research allows for the existence of nuance and detail, which can easily be lost in the analysis of larger data sets (Flyvbjerg, 2006, p. 222), and therefore makes it ideal for examining phenomena, where the constitution of the phenomenon might vary depending on the ever-changing circumstances it takes place in. For instance, while the specific data practices examined take place within asylum procedures, which are naturally structured in accordance with the same protocol, as accounted for in the context section, the implementation of these data practices, the importance afforded the data, and the interpretation of the extracted data sets will vary depending on a multitude factors. Case study research is furthermore often accused of being a subject of verification bias, however Flyvbjerg states that other research methods contain and equal risk of biases influencing their methodological framework and should therefore always be taken into account (Flyvbjerg, 2006, p. 236).

5.2.1 Description and delimitation of case study

As mentioned in previous sections, the case study is focused on the IS' employment of data extraction software and digital data in their credibility assessments. The thesis is only concerned with the practises occurring since the expansion of the Danish Alien Law in 2017,

as prior to that it was only used for identification purposes. As it is only concerned with the ways in which IS case handlers have employed digital data in their assessments, the practices of the Refugee Appeals Board is not included and it is therefore not considered how the use of data might interact with second instant decisions.

5.3 Data collection

The focus of this thesis is to produce context-dependent knowledge, which might supplement existing research regarding the various types of data practices taking place within the Danish asylum system, while also offering a CRS-centred perspective on the pitfalls of digitalisation and digital governmentality. This necessitates a data collection method, which allows me to develop interview guides, which can be progressively altered to suit the individual interviewee's experiences and data practices, especially since the use and interpretation of data within asylum procedures permits the employment of individual discretion (Nielsen & Møller, 2022, p. 5). Therefore, semi-structured interviews are perfectly suited for the stated purpose, as it allows for the development of an interview guide beforehand, which can then be restructured throughout the interviews so that it corresponds with their individual circumstances (Given, 2008, p. 811). For the same reason, the questions posed within the interview guides, the first (Appendix 3) used for the DRC interview and the second (Appendix 4) for the Danish Immigration Service interviews, have been phrased open-ended in order to ensure that the range of responses are not predetermined (Given, 2008, p. 810), except for the formulation of a couple of technical questions, which are meant to determine whether there are any standardised frameworks or legislation with regard to the Danish Immigration Service data practices. The semi-structured interview is furthermore supposed to function as a cooperation between the interviewee and the interviewer, as the interviewer's capacity for interpreting verbal and non-verbal cues can make them restructure, omit, change or add follow-up questions (Given, 2008, p. 811).

5.3.1 Selection and sampling processes

In order to ensure transparency, it is important to thoroughly document both the selection, sampling and collection process of the data in question.

Due to the lack of information available on the practices of data extraction and the specificities and procedures underpinning its employment on the websites of the Danish Immigration Service, the Danish Refugee Board, the National ID Centre and in academic

research concerning the Danish asylum system, it was a priority to secure data, which could shed light on the frameworks for its use. Else it would be very implausible for me to offer any valuable input in the discussion on the possible pitfalls of increasingly employing digital data in asylum procedures.

Therefore, the resolution was initially to secure interviews with three refugee centred NGOs that provide legal counselling to asylum seekers with regard to the asylum procedure. Their experiences and expertise would enable them to give keen insights into the operations of the Danish asylum system and the role, use and importance afforded data, which are external to the personal interviews. Their positions as civil society organisations would furthermore allow them to provide different perspectives on the practices within the asylum system without being restricted by their own implications in them. I therefore reviewed multiple Danish refugee centred NGOs in order to pinpoint, which ones were involved in or concerned with the asylum system. I hereafter established which aspects of the asylum system they were committed to and lastly whether their websites, public statements, articles and reports indicated that they were aware of and could offer a perspective on the employment of data extraction as a tool for establishing credibility.

The only organisations who were specifically concerned with the legal asylum procedure, provided legal guidance to asylum seekers and whose reports, websites, articles etc. displayed knowledge of and a viewpoint on data practices in the asylum system were the Danish Refugee Council (DRC) and Refugees Welcome (RW). The head of Refugees Welcome directly declined my request for an interview over mail due to a lack of time and resources. They did, however, participate in a short mail correspondence within which they offered official statements expressing their standpoint with regard to the practice and use of data extraction in decision-making processes (Appendix 2). This data is naturally included in the empirical material.

I contacted DRC over the phone where I was quickly referred to Dansk Flygtningehjælp Ungdom (DFUNK), as they informed me that any interviews and questions should be referred to their department. However, when I reached out to them, it was quickly made clear that they simply offered a Q&A service, and that they did not possess any specialised knowledge with regard to the asylum procedure. I was hence further referred to the asylum department of DRC, which informed me that I needed to send them an email after which they would get back to me. As I didn't receive any answer for a long period of time, I decided to

reach out to employees of DCR over Linkedin, where I got in touch with one of the senior advisors who forwarded my request to the appropriate people in the asylum department. However, I never received any response from her colleagues, which put my search for potential interviewees on hold. Several weeks later, however, I received a response on my original email to the asylum department from a legal adviser who was willing to participate in an interview.

Since the process of securing interviews with the selected NGOs had not been very fruitful, I decided to contact the remaining NGOs to explore whether they had any valuable information or perspectives to contribute with. However, I was informed by all of them that they did not possess any knowledge on the practice of data extraction and the frameworks for its use in the asylum system and most of them also did not have the time for participating in interviews with students.

After realising the improbability of securing further interviews with relevant NGOs, I reached out to various asylum offices over email in the hope of securing an interview with a case handler from Immigration Services, as they would be able to explicate the role of data extraction played in asylum procedures, and how its was actually treated, employed and interpreted by case handlers. While the majority of these efforts did not yield any results, I finally got in contact with a team coordinator, legal consultant and former case handler from the 3rd asylum office, who unfortunately did not have the time to participate in a face-to-face or online interview but was willing to participate in a written interview. I furthermore secured an interview with a case handler and office clerk from Immigration Service over Linkedin and was able to conduct an online interview with her.

In order to secure proper data triangulation, these interviews are complemented by a report produced by Refugees Welcome concerning credibility and risk assessments in the Danish asylum system and selected research papers offering perspectives and information concerning the role of credibility in the Danish asylum system and the use of social media data in decision-making processes.

5.3.1 Description of data

Figure 1: Interviews and statements

Type	Interviewee	Referred to as
Physical Interview	Danish Refugee Council:	Interview 1

	Legal adviser and former case handler in the Danish Immigration	
Online Interview	Danish Immigration Service: Office clerk and case handler	Interview 2
Written Interview	Danish Immigration Service: Team coordinator of the 3rd asylum office, legal consultant and former case handler	Appendix 1
Written statements	Refugees Welcome, Head of organisation	Appendix 2

Figure 2: Reports and research papers

Type	**Author**	**Title**
Report	Refugees Welcome	Well-founded Fear - Credibility and Risk Assessment in the Danish Asylum System
Research paper	Rikke Andreassen	Social media surveillance, LGBTQ refugees and asylum: How migration authorities use social media profiles to determine refugees as 'genuine' or 'fraudulent'
Research paper	Trine Rask Nielsen & Naja Holten Møller	Data as a Lens for Understanding what Constitutes Credibility in Asylum Decision-Making

Interview 1 DRC: Legal advisor

The first interview I conducted was with a legal advisor from the Danish Refugee Council's asylum department. She furthermore had experience working as a case handler within the Danish Immigration Service, which rendered her input even more valuable, as she was able to offer a perspective, which was shaped by both her personal experiences with using and interpreting data within the asylum procedures as a casehandler, and her contact with asylum seekers as a legal advisor. The interview took place physically in the DRC offices in Copenhagen, and it was conducted in Danish, as it was her preferred language. Following the interview, I sent her a couple of follow-up questions, and her answers are disclosed in appendix 3.

<u>Interview 2 The Danish Immigration Service: Case handler and office clerk</u>

The second interview I conducted was with a case handler and office clerk from the 3rd asylum office. Her work is mainly concerned with the collection and interpretation of information, data, COI reports and ID documents with the purpose of advising on asylum claim decisions. This interview took place online, as it was more convenient and less time-consuming for her. It was conducted in Danish as it was also her preferred language of communication.

<u>Interview 3 The Danish Immigration Service: Team coordinator and legal consultant</u>

The third interview I conducted was with the team coordinator and legal special consultant from the 3rd asylum office. Her role as a legal consultant meant that her perspective was especially useful for the identification of any standard data practices, which take place across asylum offices/sequences and individual implementations. Unfortunately, due to her busy schedule, she was only able to participate in a written interview. As such, I sent her my interview guide and she sent back her responses, which were in Danish. This form of interview is naturally very restrictive, as it does not allow for the flexibility of semi-structured interviews. There is no opportunity for asking follow-up questions or elaborations on answers or to explain a question, if the interviewee has misunderstood something. Such limitations naturally impacted the usefulness of this interview, as her answers were very short and lacked the details of the two other interviews.

5.4 Data analysis: thematic analysis

A thematic analysis is basically a method, which is aimed at identifying and analysing patterns and themes within data. In order to execute a thematic analysis properly, it is important that the themes are outlined and explained in detail to ensure a high degree of transparency, that the themes chosen are reflective of the research question and that they are flexible enough to incorporate issues that have not been considered beforehand - this is especially to ensure that any preconceived notions from either verification biases or the theoretical framework is restricted. It is furthermore important for anyone conducting thematic analysis that they do not equate importance with repetitiveness, which means that just because specific words are mentioned several times within the data, does not necessarily indicate that it is important for the research focus and vice versa with words and concepts, which might only be mentioned in a limited capacity.

I chose to employ this analytical approach on the data collected from the interviews, reports and research papers, as it facilitates the production of a detailed analysis that can encompass a variety of similarities and contrasts within the identified themes and can therefore help advance a context-dependent understanding of these (Braun & Clarke, 2006). This correlates perfectly with my research focus as it permits me to study every single piece of information in depth, while maintaining a flexibility that allows for the investigation of many different themes, thereby ensuring my ability to appreciate all of the nuances and contexts presented by my data, while also aligning them into common themes. However, the method has been criticised before due to its flexibility and perceived vagueness with relation to the identification of themes, though both Braun and Clark (2006) and Nowell et al. (2017) have stated that if every aspect of the analysis is accounted for and transparency and precision therefore is ensured, then the credibility of the analysis can be maintained. Thus, every step will be outlined in the succeeding section.

5.4.1 The steps of a thematic analysis:

In order to conduct a thematic analysis, there are 6 steps, as displayed in figure 3 which must be fully accounted for in order to secure transparency and thereby credibility.

Phase	Description of the process
1. Familiarizing yourself with your data:	Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas.
2. Generating initial codes:	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
3. Searching for themes:	Collating codes into potential themes, gathering all data relevant to each potential theme.
4. Reviewing themes:	Checking if the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), generating a thematic 'map' of the analysis.
5. Defining and naming themes:	Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, generating clear definitions and names for each theme.
6. Producing the report:	The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research question and literature, producing a scholarly report of the analysis.

Figure 3: The 6 phases of a thematic analysis (Braun & Clarke, 2006, p. 87)

Following the steps outlined in figure 3, I familiarised myself with my data by transcribing my interviews and thoroughly reading through my selected reports and research papers. Based on this I was able to identify some aspects, which seemed to be consistent across my data sets and thereby created five initial codes: Credibility, digital knowledge production, Categorizations and imaginaries, Narrativity and transparency. Following this procedure, I colour coded my data sets in accordance with each code and formulated the following

overarching themes: 'Digital governmentality's objects and production of knowledge', 'Algorithmic governance: the black box of decision-making', 'The meaning of credibility in a culture of disbelief', 'Categorizations, imaginaries and performativity' and 'Narratives and data formulism'. However, I shortly after recognised that the aspect of performativity was not a large enough factor within my data set and that this topic had thoroughly been covered by another scholar (Andreassen, 2020). I therefore chose to not include it. While the rest of the themes worked well in accordance with the coded statements and across the data sets, I quickly realised that not all of the themes fit with the purpose of the thesis and therefore the analysis. Specifically, the issues relating to algorithmic governance were not connected to my theoretical framework and had furthermore been documented in other academic literature (Beirens, 2022; Nalbandian, 2022). This emphasises the previously mentioned importance of not including themes within the analysis simply because they are mentioned several times across the data sets. It also became clear that several of the themes were bigger and more generalised than initially thought and they related to one another in ways, which I had not noticed. As a result 'Categorizations and imaginaries' were split into three themes, the first one being combined with 'Narratives and data formulism' and the second one being combined with 'Digital governmentality's objects and production of knowledge'. As a result, the final themes emerged as such: 'The meaning of credibility in a digitalised world', 'Reinforcing processes of universalization and depoliticization', 'Imposed passivity on physical spaces and narratives' and 'Moral accountability and the withdrawal of rights'.

5.5 Limitations, delimitations, and biases

5.5.1 Restrictions of data

The various interviews conducted do provide me with insights into the data practises within the Danish asylum system, specifically the framework and procedures shaping its use, the discretionary aspect of its employment and the logic and purposes underpinning such practices. However, it does not allow me to form any causal links between the use of digital data, the credibility it's afforded and the consequences such practices can have for refugees' voices and representation. In order to identify such a connection, a much larger data set that can account for all other influential factors is needed, of which there are many. While I shortly considered including some select summaries from the Refugee Appeals Board's, the limitations of these datasets identified in the literature review made me rethink such a

decision, as they also would not have allowed me to make any definite inferences regarding the consequences of these digital data practices.

However, it would have been very beneficial for my analysis if I had been able to secure more interviews with case handlers or legal advisors from IS, even if my methodological focus is qualitative in nature. It would especially have been helpful, if I could have secured one or more interviews with an employee within the Country Documentation department of Immigration Service, specifically their Open Source Intelligence unit (OSINT). This unit is responsible for operating the program, which extracts the data from electronic appliances and could have offered more insights into whether the software XRY has been modified to be used within these such circumstances, and if so, which factors it has been programmed to take note of.

It is furthermore important to note that while my interviewees do possess expert knowledge regarding the topic at hand, some of their statements and opinions will naturally not be reflective of standard practices or frameworks. They will come from personal experiences and should therefore not be viewed as reflective of the asylum system as a whole, but rather reflective of what might be possible within it with the current legislation and established procedures. As such, my data only allows me to offer a perspective on some of the potential pitfalls that the current practices of digital data usage might result in, and do not allow me to make any definitive remarks on causal links between data practices, representation and decision-making.

5.5.2 Verification biases

As mentioned previously, one of the most common critiques that the method of thematic analysis is subjected to is its propensity for being influenced by verification biases. While it has been argued that no methods can be exempted from such influence, it is important to acknowledge that the identification of themes and patterns and their subsequent interpretations are likely to be guided by such tendencies. This is especially vital with regard to this paper, as its purpose is to consider and pinpoint potential pitfalls of IS' current data practices. In order to ensure that an inaccurate picture is not produced, I have made a conscious effort to include not only the specific regulations but also the personal practices, which would limit the possibilities of enacting these pitfalls.

7) Analysis

7.1 The meaning of credibility in a digitalised world

According to Refugees Welcome, the primary reason behind the rejection of asylum claims in the Danish asylum system is a perceived lack of credibility (Refugees Welcome, 2020, p. 63), however when interviewing both DRC's legal advisor and the case handler from the Danish Immigration service, it was clear that credibility is seen as both an immense and slightly vague concept. While the DRC legal advisor stated that case handlers participate in introductory workshops, which are meant to instruct them in performing credibility assessments (Interview 1, 42:50), she also viewed credibility as a strange (Interview 1, 42:53) and funny thing, which sometimes left you guessing what exactly was the determining factor that flipped a decision to one side or the other (Interview 1, 35:20). However, she did make it very clear that credibility rejections occur when a personal narrative is in conflict with either itself or any externally provided data (Interview 1, 24:32), thereby making the information provided by the applicant appear untrustworthy. This sentiment is also reflected in the case handler's answers, as she explains that every piece of information is important when evaluating credibility, specifically in terms of whether everything is in correlation with one another (Interview 2, 37:59). She terms it a sort of detective work (Interview 2, 38:48), which is aimed at determining the truthfulness of the narratives presented by the applicant by subjecting them to medical examinations (Interview 2, 02:50), reviewing digital data reports from the OSIT department (Interview 2, 08:10), reviewing country of origins reports (COI), collaborating with the national ID centre to check the validity of ID documents etc. (Interview 2, 39:10). This indicates that asylum seekers and their narratives are naturally regarded with a certain level of disbelief, which consequently means that external evidence is a cherished commodity, since it is the tool through which credibility can be assessed. It furthermore correlates with Nielsen & Møller's research, as they attests to the importance of data in the identification of divergences and inconsistencies in asylum testimonies (Nielsen & Møller, 2022, p. 1).

This is also consistent with how Malkki describes the authority that 'bare facts' hold in opposition to narratives and storytelling, which results in the bodies of refugees being viewed as more legitimate sources than their words. It is furthermore important to note that the

extralegal criteria, which Malkki states as being used for the identification of the 'real' refugee, is oriented around visuality. For instance, the administrative staff of the Hutu refugee camp's source of knowledge was either hinged on the appearances of refugee bodies or the ways in which refugees were seen to conduct themselves, both of which are inherently visual sources. This tendency to prioritise visual evidence is possibly a result of how existing categorizations of refugeeness are hinged on a sense of universality and a form of speechlessness, which has rendered their words meaningless. It is then interesting to see how such attention to visuality as a potential product of imagined speechlessness might be reflected in the prioritisation of different types of digital data in the Danish asylum system. While, the degree of importance afforded different digital data sets naturally relies on a multitude of factors both connected to the individual case and the predispositions of the case handler, the DRC legal advisor emphasised that photos from social media profiles tend to be given a lot of significance. In her experience, there are many instances where cases and rejections are build up by and revolves around photos: "At least I think that you often see cases, where a lot of emphasis is put on photos, as if the visual can document much more than maybe WhatsApp messages, where there are no pictures but where there are words and emotions, which are being described in text" (Interview 1, 36:51). If there truly is an emphasis on visuality when evaluating the credibility of digital data, it might further demonstrate the lack of faith afforded not only asylum seekers' narratives but even their words and feelings displayed in both private correspondence and public forums. This partiality for pictures over words can be considered an exemplification of how asylum seekers might be perceived by case handlers, which in turn can affect both the possibilities and circumstances afforded to asylum seekers to share their experiences, and the various degrees of credibility their words are given in both the real world and in the online realm.

However, it is important to note that this potential emphasis on visual data and the degree of importance afforded it is not likely to influence asylum claim decisions. The DRC legal advisor explains that while photos might be important for the constitution of credibility, there needs to be several photographs that are in conflict with the applicant's narrative for such data to prompt a rejection (Interview 1, 37:25).

Returning to the issue of the perceived scientific objectivity of external 'bare facts', it might be possible that the logic of digital governmentality and its shift in knowledge production has escalated such tendencies. While medical examinations and expert knowledge was

previously the primary source through which credibility could be established, the introduction of big data and surveillance technologies in combination with data extraction software, might have inspired an amplification in the use of and trust afforded digital data. This possibility is substantiated by the case handler, as she emphasises that data is extremely important to them now that they are living in a much more digitalised world (Interview 2, 30:08), and the DRC legal advisor by stating that: "data is almost power, or you almost always completely believe that it is telling the truth" (Interview 1, 29: 53). Both statements thereby mirroring the attitude of digital governmentality.

If digital data is truly gaining such a high level of importance in the handling and evaluation of credibility, it is important to interrogate the possible pitfalls that this kind of logic and practices might create. As such, the succeeding sections within the analysis are going to explore its potential for reinforcing processes of universalization, imposing passivity and deconstructing narratives and finally depriving them of their moral accountability resulting in the withdrawal of rights.

7.2 Reinforcing processes of universalization and depoliticization

The previous sections illustrate how digital data is usually perceived and utilised as a way of measuring credibility, which not only correlates with the logic behind the knowledge production of digital governmentality but also Van Dijck's description of the perceived objectivity of raw data. Both the case handler and the DRC legal advisor describe how especially social media accounts are utilised as a way of fact checking the applicants statements (Interview 1, 08:34), especially in cases where there is already a lack of external documentation (Interview 2, 10:40). The DRC legal advisor specifically refers to Facebook as a platform, which is regularly used to explore connections and divergences between the various pieces of information (Interview 1, 36:29). However, according to Van Dijck, these kinds of attitudes that view data as a pair of opticals providing direct and truthful insights are simply groundless and harmful in two distinct ways. Firstly it blocks the actors in question from recognising that data is cultural objects produced within very specific contexts, histories, and cultures, and without a thorough and in-depth understanding of the conditions that might shape various forms of online behaviour, misunderstandings and misinterpretations flourish. Secondly, it obstructs the case handlers from remaining aware of what purposes and interests guide their own interpretative framework and how it might be shaped by personal preconceived notions. Such instances have already been established by Andreassen, as she

explains how the summarization of certain verdicts extracted from the Refugee Appeal Board's repository display that their interpretations of online behaviour often reproduces stereotypical and restrictive understandings of LGBTQIA+ identities (Andreassen, 2020, p. 21).

Another factor that emphasises the belief in the objectivity of digital data is the lack of workshops and courses dedicated to educating case handlers in the handling and interpretation of data. In the interview with the case handler, she listed a variety of courses that they are obligated to complete including both children's interviewing courses, legislation courses regarding the Danish Alien Law, asylum interviewing courses and conflict resolution courses, however there was nothing specifically aimed at the handling or interpretation of data (Interview 2, 25:33). This is substantiated by the DRC legal advisor who specifically states that digital data is not viewed differently from other forms of background information like the COI reports, and they are therefore not taught to be aware of anything specifically when employing them (Interview 1, 44:18). This signals that the case handlers might not recognize that their employment and understanding of data is interpretative in nature, instead viewing it as a yes or no type of framework for confirming or disconfirming pieces of information. And while the DRC legal advisor briefly mentions the possibility of manipulating data, it is only in reference to the ways in which asylum seekers might buy 'clean' phones with no digital traces or used phones containing a multitude of conflicting and confusing data (Interview 1, 46:30). Furthermore, her formulation might reflect the belief that unmanipulated truthful digital data exists, and any contamination must be a product of active and conscious efforts.

The two potential pitfalls, which Van Djick emphasises as products of this kind of mentality, corresponds with what Malkki presents as the effects of universalising, dehistoricizing and depoliticising the refugee figure into a singular speechless category. While the increased employment of digital data can take away from their authority to represent themselves, this mentality can also signify that there is a lack of recognition of the fact that the ways in which asylum seekers behave and express their identity online and communicate with family and friends is inherently shaped by their environment and their cultural, social and political histories. By stripping asylum seekers' digital data of these details and contexts in the interpretation process, their words, emotions and feelings are being interpreted through viewpoints that are both deeply impacted by personal subjectivities and which might classify them within the same universal category. According to both Malkki and Sigona such

representation is dehumanising, as it strips them of their individuality, invalidates their agency and silences them, as their digital data, which has been depleted of its contextuality, might come to hold the power to either legitimise or deligitmise their words and experiences. Furthermore, similar to how the universalisation of the refugee category serves to conceal the role played by the Western world in shaping or even creating the conditions in which people are being displaced, the objectification of digital data implies a dangerous form of thinking that also wipes the past clean. Past histories, contexts, power structures, individual subjectivities and prejudice can be disregarded, as digital data and data extraction software simply is viewed to override and bypass such biases.

However, it is important to note that there are some standard procedures that all three interviewees refer to, which are meant to ensure that potential misinterpretations of supposed divergences between digital data and personal narratives will not result in rejections. There needs to be several examples of divergences within the various data sets for it to trigger credibility rejections, the asylum seeker will be called in for a second interview and is therefore given the opportunity to account for the divergences, and if the case handler is still in doubt with regard to the legitimacy of a piece of information, they can contact their team leader or coordinator who will guide them and suggest other paths of inquiries (Appendix 3, p. 2; Interview 1, 37:25, Interview 2, 22:08).

Now the following sections will consider the specific forms of classifications and dehumanisation, which might be enacted in the use and interpretation of digital data.

7.3 Imposed passivity on physical spaces and narratives

As previously stated, the universalisation of asylum seekers as a singular category through the interpretation of their online behaviour, might strip them of certain features, which are otherwise perceived as innate to human nature. Haslem states that when people are being deprived of their individuality and their agency, it presupposes that they are not able to act on their own accord and hence questions their ability for self-determination. The lack of individuality afforded them reproduces them as a superficial category whose inner emotional lives lack depth. These dehumanising effects do not only refer to how they are perceived, they also manifest within and justify certain practices. Malkki exemplifies this, when she notes how camp administrators viewed the hutu camp refugees as story-tellers, whose words at best should be considered as exaggerative and unserious and at worst as dishonest, which

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thereby worked as a rationalisation for why camp administrators found credibility in the appearances of their bodies and behaviour rather than in their words.

If there is an imposed passivity on asylum seekers, and it underpins existing attitudes towards them, it might justify the ways in which asylum procedures can be perceived as structured to further strengthen the unequal power relations between the asylum seeker and the case handler. This would then materialise in the physical spaces, which the asylum procedures take place within, and influence how the applicants are able to structure and share their narratives. This also correlates with Sigona's emphasis on the fact that the production and sharing of narratives always happen in correspondence with the hegemonic discourses within society. As such, the privileged position, which data holds within the credibility discourse combined with the imposed passivity that is reinforced by the superficial interpretation of data, can impact the ways in which refugee voices and narratives are interrogated .

According to Refugees Welcome, the physical and mental set-up of the personal interviews reinforces the fact that the case handler possesses all the power and control within the situation. Everything is set-up separately, as the case handlers have their own separate toilets and canteen, and their office desk is physically distant from the table where the asylum seeker is sitting, which might feel like a visual representation of the hierarchy in place (Refugees Welcome, 2020, p. 36). Furthermore, the ways in which the interviews are structured also positions the asylum seeker as a passive respondent, despite the fact that they are there to share their experiences. Instead, the case handler holds all agency within the situation, as they are in charge of asking questions and can interrupt the applicant at any point for clarifications and elaborations. Meanwhile, the applicant is constituted passively and reactively, as they play the responsive part, who can be interrupted at any point (Refugees Welcome, 2020, p. 37). Furthermore, the continuous question of credibility plays an active part in shaping the formulism of the asylum procedure, as the applicant is expected to present their narrative in a way that affords them the most credibility in the eyes of the case handler.

Refugees Welcome states that credibility rejections usually employ words such as diverging, elaborated, incoherent, inconsistent and conspicuous etc. (Refugees welcome, 2020, 27). This correlates with how credibility has been illustrated throughout the previous sections and reflects Sigona's assertion that this formulism, as a product of discourses on credibility and passivity, itself works as a tool, which minimises the space for individuality. The DRC legal advisor also confirms that if the asylum seeker offers information later on in the asylum

procedure, it is rarely perceived positively (Interview 1, 34:54). These kinds of elaborations are instead viewed with suspicion, as they are in breach with the principles of coherence and consistency, which play a part in constituting credibility. This is why the legal advisors in the asylum department of DRC spend a lot of their time counselling the asylum seekers to tell everything that they might remember immediately and not at later points in the procedure (Interview 1, 34:37). The case handler confirms this by describing how documents supplied later in the asylum procedure are always viewed with scepticism (Interview 2, 46:21). In the best case scenario, the provision of new information and documents draw the asylum processes out further, as its legitimacy will be viewed with disbelief, in the worst case scenario it can hurt the applicant's credibility (Interview 1, 34:59).

This emphasis on the consistency, coherence and linearity of the narratives of asylum seekers remains in deep opposition to the possibilities that the case handlers have for structuring the interviews. The legal consultant and team coordinator for the 3rd asylum office states that a case handler is allowed to both introduce new information in all sequences of the asylum processes and to confiscate phones and other electronic devices for data extraction at any point (Appendix 1, p. 1). While it is completely reasonable that case handlers are able to present new evidence throughout the procedures, the fact that asylum seekers are not able to do the same without hurting their own credibility is rather problematic and indicative of the power relations at play. Furthermore, the threat that one's phone can be confiscated at any point and extremely sensitive and private information can be shared with complete strangers additionally points to a hierarchy of worth within which certain practices that otherwise would be considered with disapproval become justifiable.

7.4 Moral accountability and the withdrawal of rights

According to the DRC legal advisor, the use of digital data has become a standard procedure within the asylum process, as the opening questions asked in the first interview (OM conversation) or the second interview (NP interview) will often try to reveal whether there are any opportunities for securing digital data from phones and from social media accounts (Interview 1, 06:24). She also recognizes that data might be extracted in the earlier registration phase by the police, as she herself has experienced receiving case material, where the phone data was already included in the file (Interview 1, 11:56). This clashes somewhat with what is written in § 40 Stk. 9 of the Danish Alien Law, as it states that the extraction of documents and items (data included), is allowed, when it has been evaluated that the items in

question are able to shed light on a case. While this formulation allows for the interpretation that additional data always can provide more insights into a case, it's still interesting to note that data extraction and opportunities for securing digital data sometimes take place before the applicants have had any chance to present their experiences and narratives. This means that in some asylum cases, the use of data is not simply connected to a need for verification, for example if certain statements or pieces of information are not lining up. Rather it is presumed beforehand that the need for external digital data exists independently of what the applicant might present. This echoes the sentiment of the head of Refugee Welcome, whose response to the use of digital data was that: "you can't blame the Danish Immigration Service for trying to fact check the applicants' informations, as they rarely have anything other than the words of the applicants to go from" (Appendix 2, p. 2).

This correlates with how knowledge is perceived and produced by digital governmentality, as it automatically assumes that credible knowledge is produced outside of individual reasoning. As such, the decision to prioritise the acquisition of digital data, or just the interrogation of its possibilities, reflect this specific perception of individuals as only being truly known through their digital data. It is important to note that while this type of digital governmentality is present within other spheres of both the private and public sector, it is far more apparent in the Danish asylum system than any other, as the practice of confiscating and extracting data from personal electronic devices can only be enforced upon migrants and not any other (non-criminal) groups without their consent. In fact, if employed under other circumstances, such practices might very well be considered with disdain. The DRC legal advisor also states that the extraction of individuals' personal data is an extremely transgressive act, since there in all probability are plenty of private things on a phone, which an asylum seeker would feel uncomfortable about strangers reviewing (Interview, 19:27). When she was a caseworker in the Danish Immigration Service, she remembers actively trying to avoid asking for applicants' phones, since it would make her feel uneasy, as if she was crossing some type of boundary (Interview 1, 11:17). In order to protect the privacy rights of asylum seekers, one would then assume that only certain sets of data, deemed relevant for the case at hand would be extracted, however both the DRC legal advisor and the case handler rebuffs this sentiment. According to them, a case handler is able to highlight certain things, which they want the digital data report to take note of, however the data extraction software extracts all data from the phones (Interview 2, 20:05). The DRC legal advisor even notes how the attitude towards data extraction is not really one, which is concerned with the protection of asylum seekers'

privacy. Instead the logic is that if they don't have anything to hide, then it should not bother them that their digital data is being reviewed, and if they oppose the procedure, then they are actively trying to impede the case handler from reaching the correct verdict (Interview 1, 09:32). Furthermore, according to the team coordinator and legal consultant of the 3rd asylum office, the data extracted from the phones is contained in two systems. The raw data is stored on the server dedicated to data extractions, whereas the data report is stored in the Danish Immigration Service's filing system (Appendix 1, p. 3). Neither of these systems have any automatic deletion points, which means that their private digital data is stored indefinitely (Appendix 1, p. 4).

The ways in which asylum seekers are being subjected to such data practices and digital governmentality along with the proffered justifications might indicate how asylum seekers as a group are being perceived. According to Haslam, when an individual's capacity for rationality and reason is being rejected, a very specific form of dehumanisation is taking place, wherein the person is no longer recognised as capable of representing themselves, and their words and behaviour is therefore treated with less legitimacy (Haslam, 2006, p. 258). This perspective corresponds with the report produced by the NGO Refugees Welcome concerning credibility and risk assessments within the Danish asylum system. According to their findings, it's a preconceived presumption in the Danish asylum system that an applicant will be lying when giving testimony (Refugees Welcome, 2020, p. 26). This however might also be suggestive of another form of dehumanisation, as it signifies that asylum seekers are assumed to lack moral sensitivity (Haslam, 2006, p. 258). Such rejection of what might be perceived as a uniquely human feature implies that they as a group lack the moral accountability that other groups possess, which can then justify this withdrawal of certain rights.

This view might be further substantiated by how the burden of proof is structured within the asylum system. According to the legal advisor, the burden of proof is divided differently depending on where you are within the procedures (Interview 1, 38:50). Before receiving a residence permit it is the duty of the applicant, according to Danish law, to gather and present all information relevant for the assessment of the case (Refugees Welcome, 2020, p. 63), meanwhile the asylum authorities contribute to this by collecting background information and extracting data. However, it has been noted by Refugees Welcome that this task still primarily falls to the applicant who has to prove their eligibility for asylum, despite the fact that they

might have little knowledge about what is considered relevant to the case and limited resources for acquiring it (Refugees Welcome, 2020, p. 63). But in cases where the Danish Immigration Service considers revoking a residence permit, the burden of proof shifts, and they then become the responsible party for proving that repatriation is a safe option (Refugees welcome, 2020, p. 64). The DRC legal advisor states that this means that you are granted more legal security and therefore afforded more rights, if your asylum claim has been accepted (Interview 1, 38:52). In other words, after it has been evaluated that an asylum seeker is being truthful, they are once again, or at least to a higher degree, afforded the feature of moral accountability resulting in the conferment of more rights. However, it should be stressed that the practice of data extraction can be employed within all sequences of the asylum system including after refugee status has been granted (Interview 1, 13:16). While the revocation of a residence permit should take place, if new information reveals that the conditions of the refugee's country of origin has altered to a degree, where it can now be deemed safe for repatriation, the use of data extraction signals that refugees' stories and narratives are still being viewed with suspicion.

This overarching concern with credibility, the perception of digital data as inherently factual and its subsequent utilisation in the validation or invalidation of applicants' narratives indicates, as previously stated, that asylum seekers are regarded with a sense of disbelief and suspicion. Such notions obviously influence the framework through which both personal narratives and digital data is interpreted, as confirmation bias might guide the case handlers to take more notice of or afford more importance to factors supporting these assumptions. Moreover, pre-classifying all potential asylum seekers in this way contributes to the processes, which already strip them of their individuality and their agency, as they are no longer just judged by their own actions but also by the actions of others from the same category. Additionally, the prioritisation of external digital data within the evaluation of credibility might minimise asylum seekers' possibilities for self-determination and self-representation, which can then deny them their capacity for self-cognition and rationality. Meanwhile, the preexisting expectation that asylum seekers are lying in their interviews, at least until the external data proves otherwise, implies that they are perceived as inherently immoral, which might then further legitimises the data practices, which they are subjected to.

8) Discussion

8.1 Data as a tool of agency

While the analysis exemplifies the ways in which asylum seekers can potentially become constituted through traits such as passivity, thus denying them their agency within certain spaces and processes, Sigona vocalises the tension that can exist between such representations and the actions of migrants. He exemplifies this through the case study of the 2005 Sudanese Refugee sit-in in Cairo in front of the UNHCR headquarters, where they protested the UNHCR's suspension of individual refugee status determination processes by using the language of the humanitarian government (Sigona, 2014, p. 373). As such, this does not only illustrate the importance of recognising the agency of migrants as political subjects rather than just passive 'bare humanity' bodies, it also exemplifies how they can navigate the exact tools and rhetoric that renders them agency-less objects to reclaim that agency. I would argue that this perspective is always important to include, especially when examining phenomena that take migrants as its focus, whether it be their mobility, instrumentalization, representation etc. If it's not taken into consideration, then research can very easily end up reproducing the very same processes that they wish to problematize by denying migrants their capacity for impacting and influencing the phenomena in question.

In the interview with the DRC legal advisor, she drew awareness to the fact that asylum seekers actually can and do take advantage of the Danish asylum authorities preoccupation with digital data. She states that she experienced multiple incidents, where she would receive a digital data report, wherein the data had clearly been subjected to manipulation (Interview 1, 16:55). For instance, she once reviewed a report wherein all the data extracted, including things such as geolocation, clearly indicated that it was from China, even though the applicant evidently did not come from China (Interview 1, 17:12). Here it was very apparent to her that the phone in question had been purchased for the purpose of submitting it during the asylum procedures. She furthermore emphasises that when the Danish Immigration Service experience such scenarios wherein asylum seekers willingly hand-over phones that are either completely scrubbed of digital traces, or contain large quantities of confusing and contradictory data, then they don't have any apparent course of action (Interview 1, 17:57). While at one point an argument concerning the act of data manipulation might emerge, this is not something which is currently used. Therefore, at this point in time, case handlers have to accept that any devices handed-over for inspection and extraction are really the applicants'

phones (Interview 1, 17:31). This practice has also been documented by the news outlet 'Wired' that states that the practice of using extracted data from smartphones in decision-making processes have consequently led migrants to dump their phones before arrival (Meaker, 2018). They specifically demonstrate by mentioning a refugee who threw his phone away before meeting with the German Immigration Service in order to avoid being deported back to Greece in accordance with the Dublin convention.

Marie Gillespie explains how this increased use of digital traces as sources of information rendering refugees' bodies legitimate or illegitimate, exacerbates the paradoxical presence that phones can have in refugee lives (Gillespie et al., 2016, p. 2). From one aspect, they function as lifelines throughout the extremely difficult routes that migrants embark on, as they provide access to digital navigation, communication platforms, contact to coastal guards and others who have made the same journey (Gillespie et al., 2018, p. 7). Phones are furthermore a place of comfort and solace, as they are the platforms through which migrants can keep contact with their social and kinship networks and have daily conversations with loved ones (Gillespie et al., 2018, p. 7). However, phones have simultaneously become a threat to them, as their digital traces can inform state (and non-state) surveillance networks, which can result in rejection and deportation. As such, Gillespie et al. have also seen an influx in techniques through which migrants navigate this increase in surveillance and data extraction technologies such as the dumping of phones, buying new or 'scrubbed' phones, buying old phones or even hiding several sim-card on their bodies (Gillespie et al., 2018, p. 5). This showcases that the data extraction practices employed by countries such as Denmark, Norway, Germany and the UK have naturally not gone unnoticed, resulting in these responsive practices, which at least according to the DRC legal advisor, the Danish immigration Service is currently not equipped to handle.

It is furthermore important to acknowledge that while the current practices entails some potential pitfalls, the increased use of digital data can also be empowering for asylum seekers, as it allows them to substantiate their claims through geolocation, messages, photos etc. The DCR legal advisor pointed out that both pictures, videos and geolocations have often been employed by applicants to corroborate them being in various locations, which can be instrumental to their asylum claim (Interview 1, 19:28). This is also substantiated by the head of Refugee Welcome who states that it has become praxis in family reunification cases to use screenshots of internet correspondence as proof that couples have kept in contact (Appendix 2, p. 2).

8.2 Data extraction: Uncharted territory

It is interesting to note that while the purpose of this thesis has consistently been dedicated to the intersection of digital governmentality and CRS as a lens through which the data practises of IS in Danish asylum procedures could be examined and possible pitfalls identified, it has simultaneously highlighted the lack of information and attention dedicated to this phenomenon. While this has obviously already been illustrated within the literature review, it is evidently not merely an academic gap, with the exception of course of Rikke Andreassen's research. Considering the Danish Alien Law, the context section illustrates how the legislative framework for the use of biometrics is exceedingly thorough, whether one agrees with it or not, as it is meticulously outlined what databases the biometric data is stored in, how long it is stored and which national and international authorities they are shared with automatically and can be shared with if requested. Contrary to this, the Danish Alien Law legalises the practice of data extraction without providing any regulatory framework for it. As such, it is not specified what databases the data is stored in, for how long and which authorities it can be shared with. When inquiring about the lack of legislation, the team coordinator and legal special consultant from the 3rd asylum office specified the two systems, which it is stored in, however she also clarified that it is stored indefinitely (Appendix 1, p. 4). While biometrics is either deleted immediately or stored between 10-20 years, depending on the status of the individual (Udlændingeloven, § 40a Stk. 14; Udlændingeloven, § 40b Stk. 13), no regulatory timeframe was considered when proposing and implementing the act, which legalised data extraction. While international legislation and guidelines is overall marked by insufficiency when it comes to the regulation of the utilisation of technologies within asylum procedures, it is still remarkable that there are no guidelines for the use and interpretation of digital data indecision-making processes.

The lack of attention or concern that this practice is regarded with can also be seen illustrated in the responses provided by representatives of the two NGOs 'Danish Refugee Council' and Refugees Welcome', when asked about their positions on the issue. While the head of Refugees Welcome recognised in our mails correspondence that the practice of data extractions is problematic in many ways, she did not perceive any issues with its influence on the credibility afforded the voices of asylum seekers (Appendix 2, p. 1). Meanwhile, the DRC legal advisor stated that the DRC does not have any official position on this topic, and it is not something which they had discussed. She explained that this is both due to the fact that

they are not an activist NGO and that they are actively working together with the Danish Immigration Service (Appendix 3, p. 1). However, their lack of involvement with activism and their cooperation with IS has not prevented them from taking positions on other issues and offering recommendations with regard to various aspects of the asylum procedure in the past (Danish Refugee Council, 2021).

9) Conclusion

The thesis indicates that while the concern with external information as constitutive of credibility with regard to asylum seekers and refugees is not a new phenomenon, it might be possible that the introduction of digital governmentality and its associated technologies such as data extraction along with the availability and quantity of digital data, has escalated this tendency. This can have led to an overarching occupation with the supposed objectivity of external digital data, thereby resulting in the belief that such data is able to provide direct and truthful insights into the thoughts, motivations and feelings of others without personal subjectivities and biases having an impact. This might consequently block case handlers from recognising data as cultural objects, which are shaped by the asylum seekers' personal contexts, histories, and cultures. According to both Malkki and Sigona such representation is dehumanising, as it strips them of their individuality, invalidates their agency and silences them, as their digital data, which has been depleted of its contextuality, might come to hold the power to either legitimise or deligitmise their words and experiences. These kinds of processes can further reproduce asylum seekers as passive respondents within the asylum procedure, which might reproduce an unequal power relation between the case handler and the asylum seeker, which can further influence the ways in which refugee voices and narratives are interrogated. Furthermore, the continuous question of credibility can play an active part in shaping the formulism of the asylum procedure, as the applicant is expected to present their narrative in a way that affords them the most credibility in the eyes of the case handler. Meanwhile, the lack of credibility, which is afforded them and the presumption that they are likely to be lying, implies that they as a group lack the moral accountability that other groups possess, which can then justify a withdrawal of certain rights.

However, it is important to note that certain standard procedures within the asylum system are designed to decrease the possibilities of such pitfalls being enacted and having an influence on adjudications. It should furthermore be recognised that asylum seekers are themselves able to employ digital data to substantiate their asylum claims and have even

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manipulated these data practices by throwing away their phones or purchasing new or used phones, which have no data on them or are filled with enormous amounts of confusing data, thereby taking advantage of the asylum system's reliance on digital data.

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