



IMSIS
International Master
Security, Intelligence
& Strategic Studies



**Erasmus
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**“Smartening” European borders: are we automating
discrimination?**

An analysis of the technical and legal idiosyncrasies between the EU’s approach to algorithmic discrimination and the organisations’ actions in the context of border management.

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Abstract

Artificial Intelligence, Machine Learning and Big Data technologies are progressively being utilised in various spheres of our lives, demonstrating an ability to interfere with job applications, social media interactions and even judicial proceedings. A novel area of expansion of such technologies is EU border crossings, where the introduction of artificial lie-detectors, biometric surveillance and automated decision making devices have revolutionised the fields of migration and border management. In recent years, EU States have in fact demonstrated an increased interest towards a growth in the use of such systems, as signalled by the widening of the organisation's *smart border* agenda. Meanwhile, the potential discriminatory implications deriving from the use of such tools within the current European legal landscape has received scarce attention.

Against this background, his thesis will employ document analysis and problem-based doctrinal methodology as methodological tools of enquiry to address two specific queries, *What discriminatory risks are involved in the use of AI technology in migration and border management, and how does the EU justify its practices in the field?* and *How does the EU propose to address AI's possible biases from a legal standpoint, and what is it missing in relation to the adoption of AI tools in the migration and border management context?*

In doing so, the thesis offers some context and underlying the rationale behind the proliferation of such systems by drawing from the fields of critical security studies, science and technology and theorisations of the State. Further, the analysis problematises alleged claims of technological neutrality and objectivity which are used to justify the use of AI in border management. Moreover, it demonstrates that issues of discrimination can be embedded within the technological settings of AI machinery itself and argue that the EU's current legislative arena does not appear to appropriately safeguard migrants' fundamental human right to freedom from discrimination.

As civil rights groups and researchers from companies such as Amazon and Google are calling on tech giants to ban the use of their facial recognition software for surveillance and security related purposes, and activists continue advocating for the cessation of the sale of AI tools to governments and law enforcement, the matter deserves increased attention. This interdisciplinary study hopes to further this conversation within the fields of migration, AI ethics and critical security studies.

Keywords

*Migration, Artificial Intelligence, Machine Learning, Big Data, Automation, Algorithms
Discrimination, European Union, ECHR, GDPR, Securitisation, Essentialism,
Instrumentalism, State Performativity*