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Book review — *The use of technology for the management of the EU/US immigration and asylum policy: possible risks for fundamental rights protection*, by Marta Kołodziejczyk

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Introduction

The book Studies in European Integration, State and Society — The use of technology for the management of the EU/US immigration and asylum policy: possible risks for fundamental rights protection, written by Kołodziejczyk and published in 2020, provides a timely and critical analysis of the increasing reliance on technology within immigration and asylum policies in the European Union (EU) and the United States (US). Against a backdrop of global migration pressures, Kołodziejczyk examines how the digitalization of migration policies — through tools such as biometric databases and speech-recognition systems — poses serious privacy and data protection risks, raising critical questions about state sovereignty and individual autonomy. Her work critically examines the intersection of state sovereignty, knowledge control, and personal independence, significantly contributing to migration studies by analyzing how technological advancements, such as biometric systems, shape policy and affect fundamental rights in the digital age. Osoba (2017) highlights that "algorithms tend to be vulnerable to characteristics of their training data [...]", which reveals how the lack of ethical and technical supervision can compromise digital tools. This context is especially relevant when addressing the risks that technologies such as biometrics and data systems present to migration policies.

The debate about the limits between technological efficiency and fundamental rights has become more urgent with the increased use of artificial intelligence (AI) and biometrics in migration policies. Kołodziejczyk's work critically analyzes this dilemma by comparing the approaches from the US and Europe. However, does the author present concrete solutions to mitigate the risks of structural discrimination? And, more importantly, does she provide real ex-

amples that help the reader understand how technological discrimination impacts everyday life? The author analyzes the increasing reliance on biometric systems and data-sharing networks, focusing on the central tension between state security objectives and individual rights to privacy, and critically examining the 'trade-off' between security and human rights under different legal frameworks. She argues that introducing technologies such as biometrics and massive databases could create a surveillance environment that undermines individual autonomy. The book aims to stimulate a nuanced discussion about the balance between knowledge and power and asks whether security measures can justify potential human rights violations in both the EU and US contexts.

This review evaluates the book's contributions to debates on technology and human rights while addressing its limitations, such as the absence of concrete examples and practical proposals. Additionally, it reflects on how inclusive policies and accountability mechanisms can bridge the gap between technological innovation and ethical principles.

Summary and structure of the book

The book is divided into four main parts, each addressing a distinct aspect of the intersection between technology and migration policies. In the first chapter, the author explores the historical evolution of privacy and data protection laws, setting a legal foundation for the following discussions. She then examines how these concepts developed in Europe and the US, emphasizing the central role of data protection in the digital age and the growing concerns over the misuse of personal information.

The second chapter focuses on the technological tools employed by the EU in its asylum and migration policies, including systems like the Schengen Information System (SIS), Eurodac, and the Visa Information System (VIS). This section describes how these systems monitor and control migration flows within and beyond EU borders, enabling unprecedented surveillance over people's movements. The author argues that these systems enhance efficiency and security and raise significant ethical and legal questions.

After delving into the potential risks of fundamental rights infringements resulting from the digitalization of immigration policies, Kołodziejczyk argues that the drive for more efficient and secure migration controls may undermine privacy standards, primarily as technologies like biometrics and data-sharing networks are implemented without adequate safeguards. She critically examines how this intense surveillance affects individual autonomy and privacy rights.

Finally, it compares the US and EU approaches to using technology for migration management, accentuating cultural and legal differences in how each region balances security with fundamental rights. While the EU tends toward a more regulated approach, the US offers a distinct perspective, with a less stringent focus on privacy in favor of security. This contrast is central to understanding how these policies reflect differing cultural values regarding privacy rights.

Critical evaluation

Kołodziejczyk's work critically addresses the impact of technologies on the management of migration and asylum policies, highlighting the ethical implications and risks associated with using automated systems. This book contributes to understanding contemporary challenges by exploring how technologies such as biometric databases and automated decision-making algorithms perpetuate structural discrimination, especially against individuals from the Global South. However, throughout the analysis, significant gaps emerge regarding the ethical use of AI, discrimination, and state responsibility.

It does not sufficiently explore the ethical implications of gaps in international policies and the use of technology. For context, discrimination based on religion, nationality, and ethnicity is one of the most profound and worrying dimensions of contemporary migration policies, especially when mediated by AI technologies. For Kołodziejczyk, systems such as Eurodac reinforce barriers to mobility by categorizing refugees based on rigid identities, echoing Beck's (1992) critiques of creating risks without accountability. Religious exclusion is also evident, as pointed out by Jubilut (2005), which states that religious persecution remains one of the main drivers of forced displacement, as exem-

plified by Afghan refugees during the Taliban regime. Moreover, international conventions' narrow definition of "nationality" also fuels inequalities, failing to effectively mitigate the impact of statelessness, leaving individuals in legal limbo (Dinh *et al.*, 2003). Therefore, the author does not address how these exclusions could be mitigated through inclusive technologies or reformulated global policies. This scenario of multidimensional discrimination exposes a systemic flaw in ethical and legal regulatory efforts, reinforcing the need for structural revisions that combine inclusive technologies and human rights-based governance.

The book also points to tools such as profiling algorithms and biometric databases, which, rather than promoting neutrality, reveal structural biases. Also, it points to structural prejudices, especially against ethnic and religious minorities such as Muslims. In this way, the author brings implicit concepts that are in line with Bauman's (2000) analysis of surveillance as a control mechanism, which positions refugees and migrants as the main targets of scrutiny, reinforcing racial and religious inequalities in state policies, as well as being connected to Mbembe's (2003) theory of necropolitics, in which state control decides who deserves protection and who will be excluded.

The present discourse elucidates that, with the advancement of technology, the capacity for decision-making has progressively transitioned toward automated algorithms. These algorithms, endowed with sophisticated learning methodologies, have acquired substantial output autonomy. This growing autonomy presents a potential risk to the human rights of individuals, particularly impacting vulnerable populations within society, such as refugees, who are especially susceptible to discriminatory practices. However, it is imperative to recognize that algorithmic discrimination is not exclusively limited to the experiences of refugees.

Concrete examples that demonstrate how technologies fail to protect fundamental rights, as outlined in the book, include Apple Card's credit-granting algorithm, which discriminated against women by offering lower credit limits than men with similar financial profiles. According to Arbulu (2019), this occurred because the AI predicted greater financial risk for women based on generic and lower-quality data, ignoring conditions relevant to risk analysis. This case illustrates the failure of non-discrimination principles set out in

international conventions, highlighting the urgency of ethical accountability in algorithm design. Similarly, Google Photos' offensive mislabeling of Black individuals with pejorative terms (Junqueira, 2020) exemplifies how flawed AI systems exacerbate systemic inequalities.

These examples mirror the structural biases Kołodziejczyk critiques in migration management technologies. In the EU, systems like Eurodac categorize refugees rigidly, often reinforcing structural inequalities under the guise of efficiency. Meanwhile, in the US, migration technologies prioritize national security, creating a legal vacuum where human rights protections are neglected. As the author argues, such systems often embed structural biases that disproportionately harm marginalized groups, whether in commercial or migration management contexts. This highlights the urgency of implementing ethical safeguards and accountability measures, as emphasized throughout her work. Angwin (2016) further demonstrates how distorted data patterns feed machine-learning systems, exacerbating racial prejudice.

Addressing these gaps through actionable frameworks, such as inclusive technologies and accountable governance, would significantly enhance the work's impact. As Verbeek (2011) emphasizes, "When designing robotic technologies, ethical considerations must be observed, as algorithms reflect human values", while Introna (2016) argues for regulating algorithmic governance practices to prevent ethical negligence. Junqueira's (2020) concept of 'fair design' offers a practical approach to embedding inclusive values into algorithms from their conception, while the European Parliament Resolution (2017) proposes a mandatory insurance system for autonomous technologies to proactively mitigate potential harm. Additionally, the right to explanation, as highlighted by Doshi-Vélez and Kortz (2017), is essential for combating discriminatory decisions by providing greater transparency about algorithmic criteria. However, as Piovesan (2008) emphasizes, prohibiting discrimination alone is insufficient; proactive measures are necessary to promote effective inclusion. These measures, combined with the precautionary principle, could transform accountability into a proactive tool that safeguards human rights and promotes equitable governance in migration policies.

Kołodziejczyk provides a compelling critique of algorithmic discrimination, offering valuable insights into the use of technology in the refugee process. However, the book lacks practical solutions, concrete examples, and specific approaches to address these inequalities. While highlighting the ethical implications of such technologies, the author overgeneralizes certain aspects and fails to explore specific types of discrimination, such as those based on religion, nationality, or ethnicity. Addressing these gaps would require adopting accountability tools that ensure equality from the technology development phase. These tools could include the application of ethical principles to limit algorithmic biases and the implementation of affirmative actions, either coercive or incentive-based, to actively involve vulnerable populations in the design and decision-making processes of algorithms. Additionally, the precautionary principle could guide the training of algorithms to avoid discriminatory decisions and promote equitable treatment by using data to suppress harmful behavior. This principle aligns with Junqueira's (2020) "fair design", which emphasizes embedding inclusive values into algorithms from their inception. Complementing this approach, the European Parliament Resolution (2017) advocates for implementing a mandatory insurance system for autonomous technologies, which could proactively mitigate the ethical risks highlighted in the book. Together, these measures represent a comprehensive framework for addressing algorithmic discrimination and aligning technological innovation with human rights principles.

Conclusion

The complexity of contemporary global challenges has overwhelmed the international community, exposing the limitations of existing frameworks to address the volatile demands of new social dynamics. These challenges increasingly require mechanisms beyond direct human intervention, particularly in migration management.

In this context, the author provides a compelling critique of technology's role in asylum-granting processes, revealing how systems like biometric databases, celebrated for their efficiency, embed structural biases that dispro-

portionately impact refugees from the Global South. Whether through misidentifications or biased algorithms, these failures expose significant gaps in legal regulations and the absence of accountability from states and corporations, underscoring the urgent need to align technological advancements with fundamental human rights principles.

While the EU attempts to balance innovation and rights protection through frameworks like the GDPR, persistent failures — evident in systems like Eurodac — highlight the criminalization of asylum seekers' mobility. In contrast, the US prioritizes national security, creating a legal vacuum that exacerbates inequalities and neglects human rights protections. Mbembe's (2003) concept of necropolitics encapsulates this stark reality, showing how technologies perpetuate exclusion and determine who receives protection. Addressing these systemic challenges requires global cooperation to develop robust legal instruments that regulate AI usage and enforce accountability for discriminatory practices. A commitment to solidarity and justice is essential to bridge the gap between innovation and ethical standards.

Finally, as Kołodziejczyk demonstrates, technological discrimination is an irrefutable reality that demands immediate attention. Reformulating the concept of discrimination to include the interplay between machines and humans is crucial to ensuring refugees fully exercise their international rights. Her analysis reinforces the need for global ethical regulations that guarantee transparency and accountability when using technologies in migration policies. This call to action highlights the necessity of ethical AI governance frameworks that uphold human dignity and justice in an increasingly digitized world.