

**Mobile phone data analysis as part of the asylum procedure:
A critical appraisal tools in migration**
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Abstract

Since the past few years different European states have resorted to the analysis of mobile phones and other available 'data carriers' either through confiscation of mobile phones or mandatory request for submission of such devices. Mobile phone data analysis provides an automated report that can be used for identity determination and/or the assessment of the applicant's submission. This practice has taken place in various forms; through legislative intervention, for example, in Germany, which has been found on numerous occasions as unlawful, or without such legal basis, as in the case of the United Kingdom, raising significant rule of law challenges. In other countries, the confiscation of mobile phones has been taken place in the far more dubious manner of stealing the phones to analyse contacts, searches on the internet as well as photographs and videos taken by applicants of international protection. This practice has raised significant concerns regarding its compatibility with fundamental rights, such as the right of privacy and the rule of law, but this area remains somewhat under-researched. This contribution aims to shed light into the different iterations of this practice in different European states – research demonstrates that mobile phone data analysis is currently implemented largely in the Netherlands, Germany, Norway, and to some extent in Denmark and the UK. Then, the analysis will highlight the legal challenges posed by mobile phone data analysis, as well as the potentially limited effectiveness of the automated reports produced in this respect, particularly as part of assessing asylum applications.

Biography

Niovi Vavoula is Associate Professor in Cyber Policy and Chairholder, funded by the Ministry of International and European Affairs, at the University of Luxembourg. Prior to her appointment in February 2024, she was Senior Lecturer in Migration and Security at Queen Mary University of London. She holds a Ph. D and LLM from Queen Mary University of London and a Bachelor of Law from the University of Athens. She has published extensively on the intersection of migration law with digital technologies, including AI, and her research interests lie in EU data protection, cyber and Artificial Intelligence law.