Digital borders and data policies in the governance of refugees and migrants

Séminaire DeCoMi. École des hautes études en sciences sociales

Javier Sánchez-Monedero
@javisamo
sanchez-monederoj at cardiff.ac.uk
javism at posteo.net
22nd November 2019

Cardiff University, UK
Outline

Introduction
Data Justice
Systems and practices
  UNHCR
  Europe
  Digital infrastructures
Issues
Deceptive borders
Conclusions and discussions
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Data Justice
Systems and practices
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Deceptive borders
Conclusions and discussions
What biometric technologies do you know?
What biometric technologies do you know?

- Fingerprints
- Iris scan
- DNA
- Facial recognition
- Voice identification
- Gait as a biometric
- ...
Do you know any use of biometric systems?
Do you know any use of biometric systems? How would you demonstrate a sentimental relationship?
Do you know any use of biometric systems? How would you demonstrate a sentimental relationship? How would you validate a narrative?
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Dominant framing

Dominant framing: efficiency vs. security (individual privacy and data protection)

Emerging issues:

- Predictive governance
- Social sorting and labelling
- Power asymmetry
- Discrimination and exclusion (at scale).
Data-driven governance and predictive policy

Refugee or Terrorist? IBM Thinks Its Software Has the Answer.
Defense One

When your boss is an algorithm. Financial Times

What happens when an algorithm cuts your health care. The Verge
The Data Justice Framework

How? Data Justice

Policy
- Focus groups with impacted communities
- Interviews with civil society organizations
- Policy analysis

Technology
- Interviews with policy-makers
- Software analysis
- Analysis of data

Institution
- Interviews with practitioners

Experiences
- Case study

Companies
- Practices
Topics of the Data Justice Project

- Border control and migration
- Law enforcement and policing
- Low-wage work

https://datajusticeproject.net/
Data-driven governance of refugees and migrants:

- Identity
- Labelling and sorting
- Recognition through data
- Conceptualization of migrants/refugees
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Why to register?

- The states are **responsible for registering** asylum seekers and refugees
- To better know the **population**
- Early identification of individuals with specific needs
- To protect against forced return, arrest and detention
- To fight **fraud, corruption** and human trafficking
- ...

- **Data minimization** principle

https://www.unhcr.org/registration-guidance/chapter3/setting-up-registration-locations/
Different registration policies

ID Cards in Spain and the UK
PRIMES Biometrics: 7.2 Million records and 63 operations

https://www.unhcr.org/primes.html
Strengthening integrity in refugee resettlement processes

- Data Access throughout processing
- Data Transfer at case submission
UNHCR Jordan, IrisGuard and Cairo Amman Bank (CAB) have access to the PRIME biometric systems \(^1\).

Refugees do not need to register. Iris scan biometric authentication allow them to buy in local/camp stores or get cash from ATM. The system relies on blockchain to validate money transfers.

\(^1\)https://www.irisguard.com/index.php/node/16
EURODAC (European Dactyloscopy): asylum seekers (category 1) and irregular(ised) people (categories 2 and 3) fingerprint database ².

‘the Dublin Regulation’: establishes the Member State responsible for the examination of the asylum application

Mandatory registration for older than 14 years
It allows **non systematic checks by law enforcement** agents of Member States and Europol.

The fingerprints are stored and matched in a centralized database managed by **EU-LISA** (European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice).

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Field work in Greece

Credit: Philippa Metcalfe
EURODAC: reform proposal

“Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe” (2016) ³:

- Lowers the age for mandatory registration to 6 years
- **Personal data** will be stored (but not searchable): name(s), age, date of birth, nationality, and identity documents
- Includes a facial image and explicitly allows to deploy **facial matching** in the future
- Matches and searches could be done **between different categories**
- Eases (systematises?) the access to law enforcement agents
- Allows non-systematic access to **third countries**
- ...

Digital infrastructures

Social networks, mobile/smart phones and other network technologies build socio-technical spaces where migrants, refugees, traffickers, governments and corporations interact (see *Digital Passages and Borders* Latonero and Kift [2018]).

The dual role of the smartphone as a **tool** and **threat** during the journey Gillespie et al. [2016], Gillespie et al. [2018]
# The Skype Bottleneck

## Skype Program after 28/01/2019

<table>
<thead>
<tr>
<th>Hours</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
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<td>08:00 – 09:00</td>
<td>Arabic</td>
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<td>8:00 – 8:30</td>
<td>Rest of Greece</td>
<td>Thessaloniki</td>
<td>Athens</td>
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<tr>
<td></td>
<td></td>
<td>8:30 – 9:00</td>
<td>(without Ioannina)</td>
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<td></td>
<td></td>
<td>Ioannina, Leros</td>
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<tr>
<td>09:00 – 10:00</td>
<td>Arabic</td>
<td>Albanian</td>
<td>Albanian</td>
<td>Albanian</td>
<td>Pashto</td>
</tr>
<tr>
<td>Arabic Athens</td>
<td></td>
<td>All of Greece</td>
<td>Thessaloniki</td>
<td></td>
<td>All of Greece</td>
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<tr>
<td>10:00 – 11:00</td>
<td>Dari</td>
<td>Dari</td>
<td>Pashto</td>
<td>Dari</td>
<td>Georgian</td>
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<td>All of Greece</td>
<td>All of Greece</td>
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<td>11:00 – 12:00</td>
<td>Sorani</td>
<td>Arabic</td>
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<td>Arabic</td>
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</tr>
<tr>
<td>All of Greece</td>
<td></td>
<td>Thessaloniki, Rhodes, Leros</td>
<td>All of Greece</td>
<td></td>
<td>Athens</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11:00 – 11:30</td>
<td>(without Thess., Rhodes, Leros)</td>
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<td>Syria Fast Track</td>
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<tr>
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<td>11:30 – 12:00</td>
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<tr>
<td></td>
<td></td>
<td>Arabic - Athens</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>12:00 – 13:00</td>
<td>Urdu - Punjabi</td>
<td>Urdu - Punjabi</td>
<td>Hindi</td>
<td>Russian – Ukrainian</td>
<td>All of Greece</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Athens</td>
<td>12:00-12:30</td>
<td>12:30-13:00</td>
<td>All of Greece</td>
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<td>Thessaloniki</td>
<td>Athens</td>
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<td></td>
<td>12:30-13:00</td>
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<tr>
<td>13:00 – 14:00</td>
<td>Georgian</td>
<td>Georgian</td>
<td>Chinese</td>
<td>Bengali</td>
<td>Bengali</td>
</tr>
<tr>
<td>Rest of Greece</td>
<td></td>
<td>Rest of Greece</td>
<td>All of Greece</td>
<td>Athens</td>
<td>Rest of Greece</td>
</tr>
</tbody>
</table>

## Skype ID:

- Arabic: asylums.service.arabic
- English-French: asylums.service
- Albanian: asylums.service.albanian
- Kurmandji: asylums.service.kurmandji
- Pashto: asylums.service.pashto@gmail.com
- Dari: asylums.service.farsi.dari
- Farsi: asylums.service.farsi
- Georgian: asylums.service.georgian@gmail.com
- Sorani: asylums.service.sorani
- Urdu - Punjabi: asylums.service.urda.punjabi
- Hindi: asylums.service.hindi@gmail.com
- Russian - Ukrainian: asylums.service.russian@gmail.com
- Syria Fast Track: asylums.service.syria
- Chinese: asylums.service.chinese@gmail.com
- Bengali: asylums.service.bangla

Credit: Philippa Metcalfe
Practices in **aiding and information verification**:  

- **Mobile meta-data**: connection to cells, calls... (D4R in Turkey...) Salah et al. [2018]  
- **Mobile data**: contacts, SMS... (Germany...) Meaker [2018].  
- **Social networks and email** (Denmark, Belgium, Germany, UK, UNHCR...) Meaker [2018], UN Global Pulse [2017]  
- **Language analysis** for the determination of origin (Germany...)


Practices in aiding and information verification:

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- **Language analysis** for the determination of origin (Germany...)

Evidence of relationship (UK):

- Communications (*Visualising Love*) Agusita [2018]
- LGTBIQ assessment Shephard [2018]
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External audits: UNHCR

Privacy Impact Assessment of UNHCR Cash Based Interventions
TriLateral Research and Consulting [2015]:

‘refugees are unhappy with how their data is collected, used or transferred; refugees are unhappy at their treatment at the hands of a UNHCR partner (e.g., a bank or supermarket)’.

Privacy risks:

• No real consent and choice
• Data transfers to third-parties
• ...

Threat and vulnerability:

• Cyber espionage
• Physical loss of data
• ...
## Table 3: Conclusions on risk, by Internal Control Component and Business Process

<table>
<thead>
<tr>
<th>Internal Control Components/Lines of enquiry</th>
<th>Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Control environment</td>
<td></td>
</tr>
<tr>
<td>Roles, responsibilities, policies and guidance</td>
<td>High</td>
</tr>
<tr>
<td>2. Risk assessment</td>
<td></td>
</tr>
<tr>
<td>Risk identification and management, including for fraud and/or corruption</td>
<td>Medium</td>
</tr>
<tr>
<td>3. Control activities</td>
<td></td>
</tr>
<tr>
<td>Beneficiary registration controls, including for third parties</td>
<td>High</td>
</tr>
<tr>
<td>Gender and protection processes</td>
<td>Medium</td>
</tr>
<tr>
<td>Benefit instrument controls</td>
<td>High</td>
</tr>
<tr>
<td>4. Information and communication</td>
<td></td>
</tr>
<tr>
<td>Coordination and linkage of beneficiary data</td>
<td>High</td>
</tr>
<tr>
<td>Data sharing</td>
<td>Medium</td>
</tr>
<tr>
<td>Data integrity, security, protection and privacy</td>
<td>High</td>
</tr>
<tr>
<td>Planning and outreach communication</td>
<td>Low</td>
</tr>
<tr>
<td>5. Monitoring activities</td>
<td></td>
</tr>
<tr>
<td>Verification and validation processes</td>
<td>High</td>
</tr>
<tr>
<td>Beneficiary complaint and feedback mechanisms</td>
<td>Medium</td>
</tr>
<tr>
<td>Beneficiary management metrics</td>
<td>Medium</td>
</tr>
</tbody>
</table>
2015: Oxfam self-imposed a moratorium on the use of biometrics

2018: *Biometrics in the Humanitarian Sector* Rahman et al. [2018]

**CAN BIOMETRICS REDUCE FRAUD?**

Overwhelmingly, the strongest argument for biometrics relates to the technology being used to reduce fraud. Our interviews with stakeholders and our review of the literature revealed that upon closer examination, this argument has a problematic premise. As above, however, there is a serious lack of evidence as to whether the perceptions outlined here, drawn from interviews and anecdotes, are accurate or not.

Specifically, the biggest problems identified regarding fraud, when it comes to aid delivery, appear to happen ‘upstream’, as part of the supply chain of getting aid to its end point. That is, ensuring that aid is delivered through the supply chain as intended without any loss of product or diversion of aid, for example. Though duplication (i.e., when one beneficiary receives aid twice) has been identified as a problem, multiple interviewees identified that quantitatively, this is less of a problem than the more systemic issues along the supply chain.
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**iBorderCtrl** (Intelligent Portable Control System, iborderctrl.eu)
**iBorderCtrl (Intelligent Portable Control System):**

- Control of travellers and migrants
- Funded by H2020 (4.5M€)
- Two-steps procedure for *border crossing*:
  - Pre-registration from home
  - Automatic interview by a virtual agent at the border
- Automatic “risk” assessment
- Automatic *deception detection* through facial analysis (‘biomarkers of deceit’)
- Depending on the risk and deception scoring, the person will be interviewed by a human agent
- *Pilots in Hungary, Greece and Latvia* in 2018
Interrogation of iBorderCtrl

- **Political economy**: H2020, repurposing of technology
  - Taylor and Meissner [2019], emotional AI
- **History of deception detection technologies**
- **Assumptions and validation**
- **Statistical analysis** to question the foundational premise of massive screening
Lie detectors have no scientific validity National Research Council [2003]:

- the common basis of lie detectors is that there are universal and involuntary physiological responses that a person produces as a result of lying.
- iBorderCtrl assumes that across persons, ethnicity, gender, age, functional diversity, neurodiversity, etc., there is a universal way of expressing deception through non-verbal expressions.

https://iborderctrl.no/
The probability of having a migrant/traveller with is a liar is 1\%.
The probability that the lie detector detects a lie is 73\%.
The probability that the lie detector does not detect a lie is 24\%.
The probability of having a migrant/traveller with is a liar is 1%.
The probability that the lie detector detects a lie is 73%.
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**Statistics exercise**

If the lie detector says that a migrant/traveller lies, what is the probability that we found an actual liar?

a) 0-30 %  b) 30-60 %  c) 60-100 %
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a) 0-30 % b) 30-60 % c) 60-100 %

2.9 %

More at → Base rate fallacy and associated notebook
Statistical limits of massive screening (II)

Population

Total travellers 1,000

1% Lied in the interview

99% Told the truth in the interview

Model performance (likelihood/conditional pr.)

73.66% Test positive 7 persons

26.34% Test negative 3 persons

24.45% Test positive 242 persons

75.55% Test negative 747 persons

Actual probability

Test positive 0.74%

Test negative 0.26%

Test positive 24.21%

Test negative 74.79%
It doesn’t work, so?

Our (preliminary) conclusions:

• It is very unlikely that the deception detection system would work in practice
It doesn’t work, so?

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• What function such projects carry out in the creation of subjects and management of populations?
It doesn’t work, so?

Our (preliminary) conclusions:

• It is very unlikely that the deception detection system would work in practice
• What function such projects carry out in the creation of subjects and management of populations?
• This function is mainly political and forms part of a model of governance
iBorderCtrl: public information

Project deliverables

D1.1 Ethics advisor’s first report (Confidential, already submitted to the European Commission)

D1.2 Ethics of profiling, the risk of stigmatization of individuals and mitigation plan (Confidential, already submitted to the European Commission)

D1.3 Ethics Advisor (Confidential, already submitted to the European Commission)

D2.1 Requirement Analysis Report (Confidential, already submitted to the European Commission)

D2.2 Reference Architecture and components specifications (Confidential, already submitted to the European Commission)

D2.3 EU wide legal and ethical review report (Confidential, already submitted to the European Commission)

D3.1 Data Collection Devices – specifications (Confidential, already submitted to the European Commission)

D3.2 First version of all technological tools and subsystems (Portable unit, ADDS, DAAT, portable radar, FMT, Avatar based dialogue) (Confidential, already submitted to the European Commission)

D3.3 Second version of all technological tools and subsystems for integration (Confidential, already submitted to the European Commission)

D4.1 First version of the iBorderCtrl software platform (Confidential, already submitted to the European Commission)

D4.2 Second version of the iBorderCtrl software platform (Confidential, already submitted to the European Commission)

D5.1 Integration Plan (Confidential, already submitted to the European Commission)

D5.2 Early version of the integrated prototype (limited functionality) (Confidential, already submitted to the European Commission)

D6.1 Experimental Design for Pilot Deployment and Evaluation (Confidential, already submitted to the European Commission)

D7.1 Project Web Portal
iBorderCtrl: FOI request
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Philippa Metcalfe and Lina Dencik. ‘The politics of big borders: Data (in)justice and the governance of refugees’. First Monday, Volume 24, Number 4 – 1 April 2019. doi: http://dx.doi.org/10.5210/fm.v24i4.9934

Conclusions and discussion (I)

• Digital identity as a mean to protect human rights? (e.g. ID2020 project)
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- Data sharing between states (e.g. how the Rohingya got caught in the UN’s biometric database Thomas [2018])
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- The conceptualization of migrants as risk and the industry of data science Taylor and Meissner [2019]
Conclusions and discussion (II)

We need to situate data in the social justice agenda!
Merci beaucoup!


M. Meaker. Europe is using smartphone data as a weapon to deport refugees, July 2018. URL http://www.wired.co.uk/article/europe-immigration-refugees-smartphone-metadata-deportations.


