

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

Séminaire DeCoMi. École des hautes études en sciences sociales

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datajusticelab.org

datajusticeproject.net

Outline

Introduction

Data Justice

Systems and practices

UNHCR

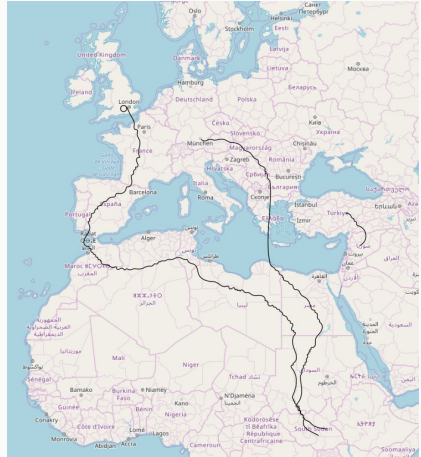
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Conclusions and discussions



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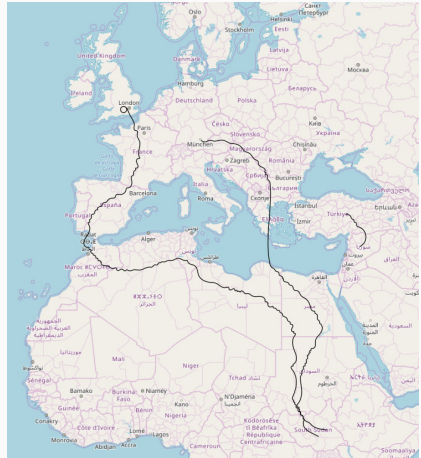
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What biometric technologies do you know?

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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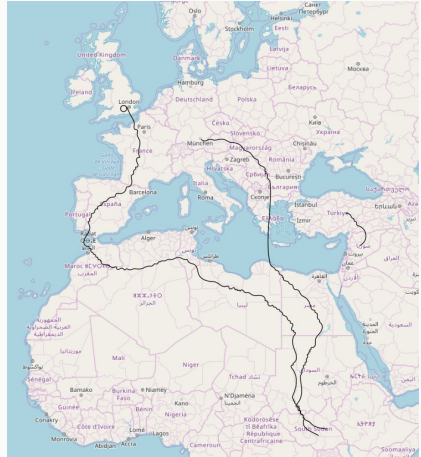
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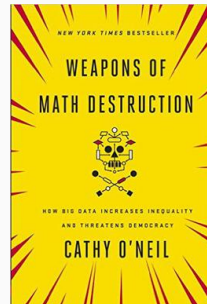
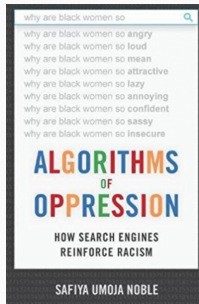
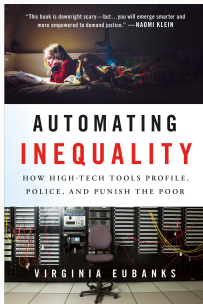


Dominant framing

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).



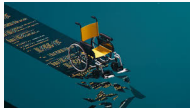
Data-driven governance and predictive policy



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

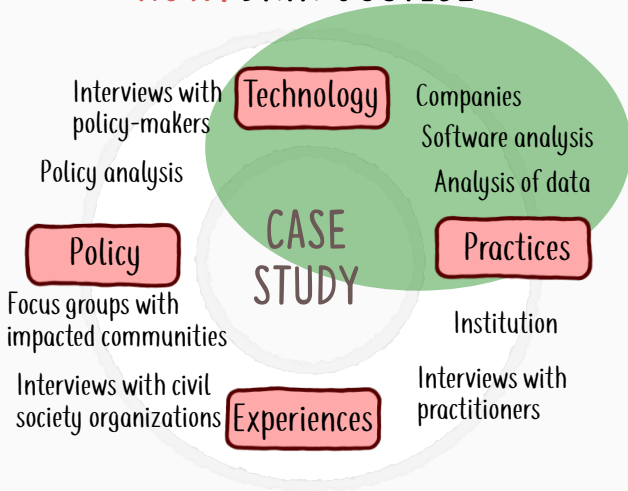


When your boss is an algorithm. Financial Times



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

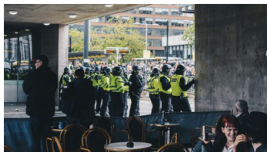
HOW? DATA JUSTICE



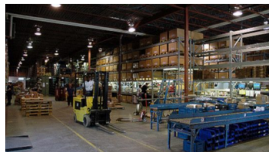
Topics of the Data Justice Project



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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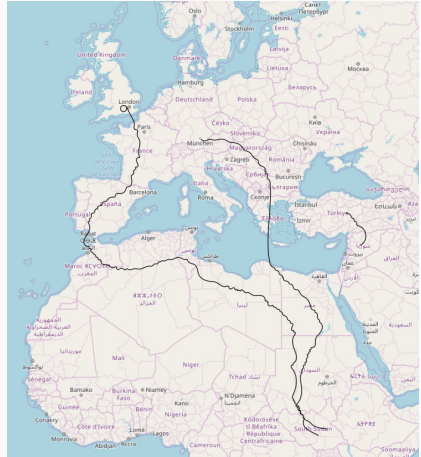
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Why to register?

- 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

NIE

Nombre
1.º Apellido
2.º Apellido
Fecha de nacimiento
Lugar
Nación
Nacionalidad actual
Domicilio en MADRID (MADRID)
of. Registro General de Emigración y Extranjería

CADUCIDAD
Fecha del título:

N.º
EXP. N.º

ESTE DOCUMENTO NO ES VÁLIDO PARA EL CRUCE DE FRONTERAS
(THIS DOCUMENT IS NOT VALID FOR CROSS-BORDER)

Humanitarian Protection

The Government of the United Kingdom has granted the person named in this document Humanitarian Protection in accordance with the United Kingdom's immigration laws. This document is valid for entry to and stay in the United Kingdom. It does not entitle the holder to work or study in the United Kingdom. It does not entitle the holder to claim asylum or to apply for refugee status. It does not entitle the holder to claim asylum or to apply for refugee status. It does not entitle the holder to claim asylum or to apply for refugee status.

Home Office

IMMIGRATION STATUS DOCUMENT

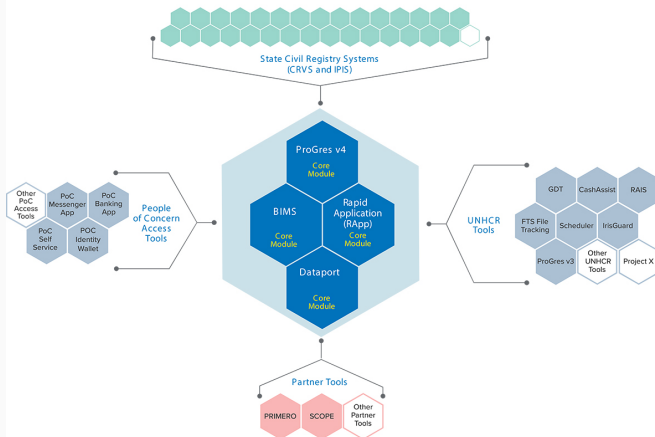
Personal Details

Full Name: SHITLUKJEN
Nationality: UKRAINE
Date of Birth: 04/04/1978
Place of Birth: UKRAINE/LANGLA
Date of Issue: 17/04/18
Date of Expiry: 30/06/18

ID Cards in Spain and the UK

UNHCR PRIMES

(Population Registration and Identity Management EcoSystem)



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



The UN Refugee Agency

PRIMES Biometrics

PRIMES: third party access (II)



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

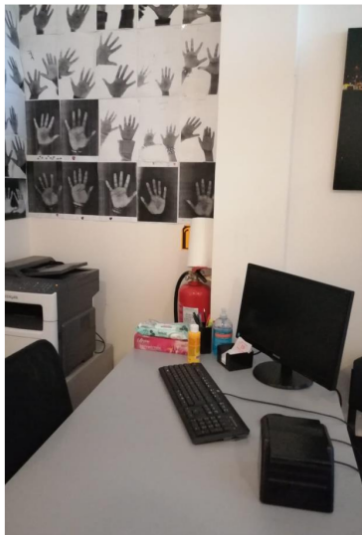
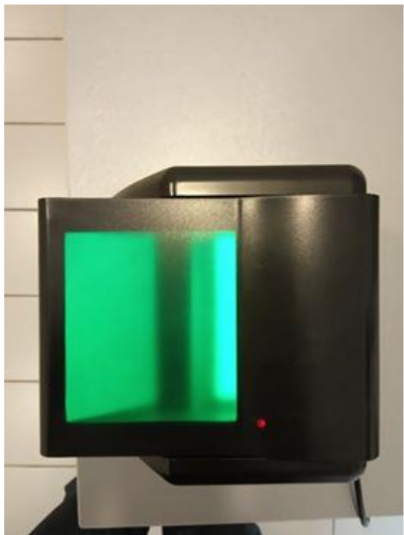
Mandatory registration for older than 14 years

It allows **non systematic checks by law enforcement** agents of Member States and y 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).

²https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en

Field work in Greece



Credit: Philippa Metcalfe

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

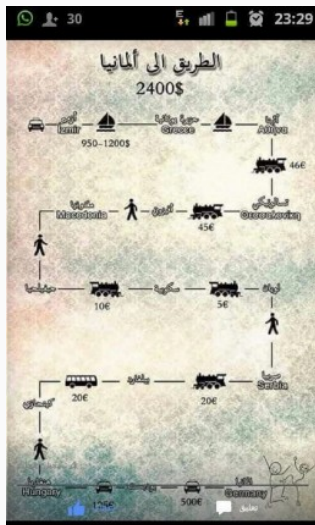
- Lowers the **age for mandatory registration** to 6 years
- **Personal data** will be stored (but not searchable): name(s), age, date of birth, nationality, and identity documents
- Includes a facial image and explicitly allows to deploy **facial matching** in the future
- Matches and searches could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

³<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52016PC0272>

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

Hours	Monday	Tuesday	Wednesday	Thursday	Friday
08:00 – 09:00	Arabic Athens	Albanian 8:00 – 8:30 Rest of Greece (without Ioannina) 8:30 – 9:00 Ioannina, Leros	Albanian Rest of Greece	Albanian Thessaloniki	Albanian Athens
09:00 – 10:00	Arabic Athens	Kurmandji All of Greece	English-French All of Greece	Pashto All of Greece	Pashto All of Greece
10:00 – 11:00	Dari All of Greece	Dari All of Greece	Farsi All of Greece	Dari Athens	Georgian Athens
11:00 – 12:00	Sorani All of Greece	Arabic Thessaloniki, Rhodes, Leros	11:00 – 11:30 Syria Fast Track 11:30 – 12:00 Arabic - Athens	Arabic All of Greece (without Thess., Rhodes, Leros)	Arabic Athens
12:00 – 13:00	Urdu – Punjabi 12:00 – 12:30 Rest of Greece (without Ioannina) 12:30 – 13:00 Ioannina	Urdu – Punjabi Athens	Sorani All of Greece	Hindi 12:00-12:30 Thessaloniki 12:30-13:00 Athens	Russian – Ukrainian All of Greece
13:00 – 14:00	Georgian Rest of Greece	Georgian Rest of Greece	Chinese All of Greece	Bengali Athens	Bengali Rest of Greece

Skype ID:

Arabic	asylum.service.arabic
English-French	asylum.service
Albanian	asylum.service.shqip
Kurmandji	asylum.service.kurmanji
Pashto	asylum.service.pashto@gmail.com
Dari	asylum.service.farsi.dari
Farsi	asylum.service.farsi.dari
Georgian	asylum.service.georgian@gmail.com
Sorani	asylum.service.sorani
Urdu - Punjabi	asylum.service.urdu.punjabi live:68dfb8c11b07edc
Hindi	asylum.service.hindi@gmail.com
Russian - Ukrainian	asylum.service.russian@gmail.com
Syria Fast Track	asylum.service.syria
Chinese	asylum.service.chinese@gmail.com
Bengali	asylum.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...)

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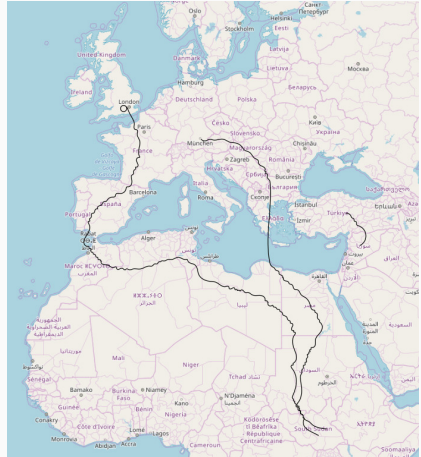
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Privacy Impact Assessment of UNHCR Cash Based Interventions
TriLateral Research and Consulting [2015]:

'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

Internal Control Components/Lines of enquiry	Risk
1. Control environment	
Roles, responsibilities, policies and guidance	High
2. Risk assessment	
Risk identification and management, including for fraud and/or corruption	Medium
3. Control activities	
Beneficiary registration controls, including for third parties	High
Gender and protection processes	Medium
Benefit instrument controls	High
4. Information and communication	
Coordination and linkage of beneficiary data	High
Data sharing	Medium
Data integrity, security, protection and privacy	High
Planning and outreach communication	Low
5. Monitoring activities	
Verification and validation processes	High
Beneficiary complaint and feedback mechanisms	Medium
Beneficiary management metrics	Medium

Source World Food Programme [2017]

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** (ie. 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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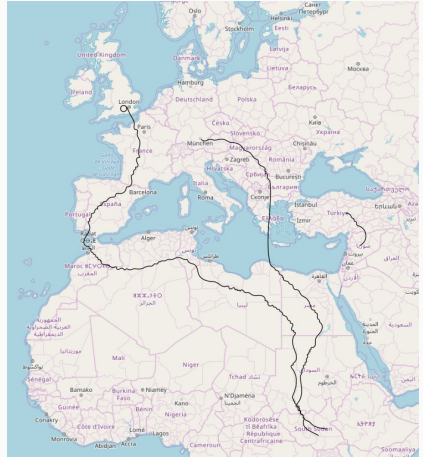
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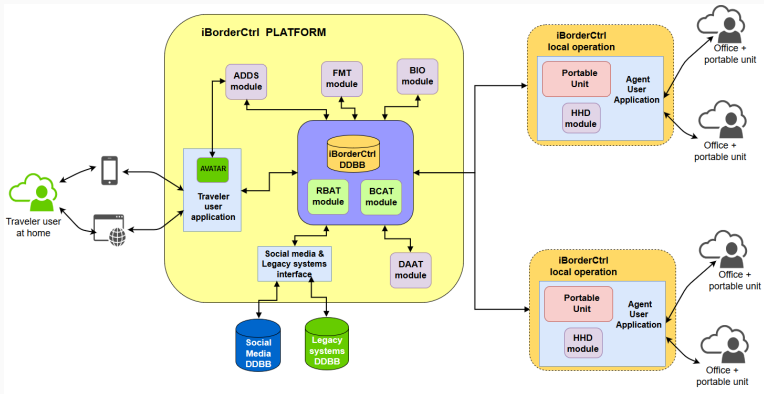
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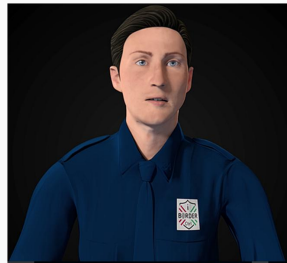
iBorderCtrl



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** though 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?

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/>

Statistical limits of massive screening (I)

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 %

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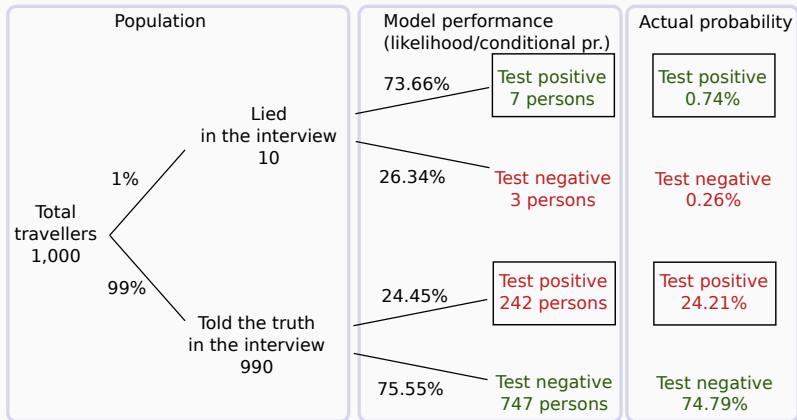
If the lie detector says that a migrant/traveller lies, what is the probability that we found an actual liar?

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

2.9%

More at → [Base rate fallacy](#) and [associated notebook](#)

Statistical limits of massive screening (II)



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

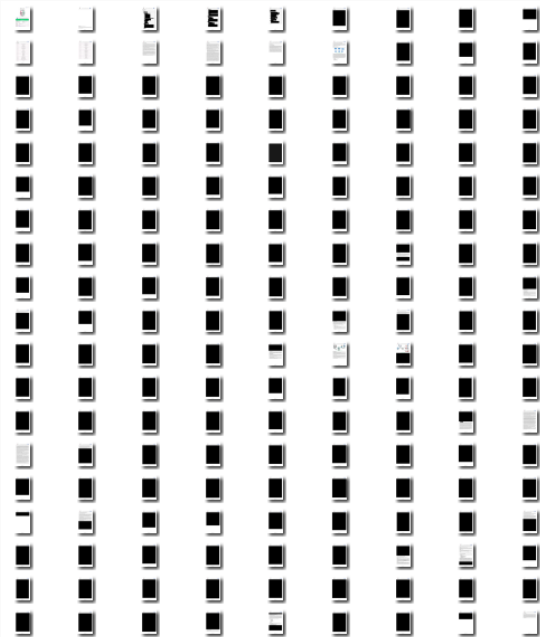


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Project deliverables

- 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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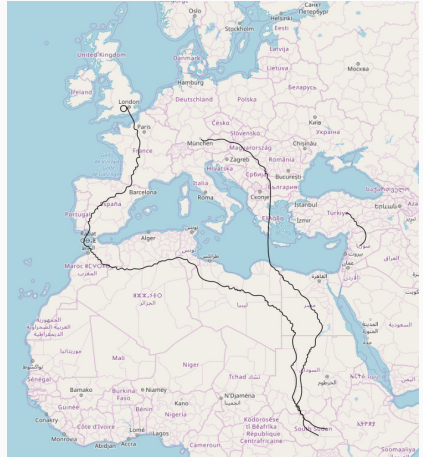
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The datafication of borders and management of refugees in the context of Europe. By Javier Sánchez-Monedero. November 2018.
<https://datajusticeproject.net/wp-content/uploads/sites/30/2018/11/wp-refugees-borders.pdf>

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>

Javier Sánchez-Monedero and Lina Dencik, *The politics of deceptive borders: 'biomarkers of deceit' and the case of iBorderCtrl*, 2019.
Draft available at <https://arxiv.org/abs/1911.09156>

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 \[2019\]](#)

We need to situate data in the social justice agenda!

Merci beacup!



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