# Digital Identity in the Migration & Refugee Context:

## ITALY CASE STUDY

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# EXECUTIVE SUMMARY

Increasingly, governments, corporations, international organizations, and nongovernmental organizations (NGOs) are seeking to use digital technologies to track the identities of migrants and refugees. This surging interest in digital identity technologies would seem to meet a pressing need: the United Nations Refugee Agency (UNHCR) states that in today's modern world, lacking proof of identity can limit a person's access to services and socio-economic participation, including employment opportunities, housing, a mobile phone, and a bank account. **But this report argues that the technologies and processes involved in digital identity will not provide easy solutions in the migration and refugee context.** Technologies that rely on identity data introduce a new sociotechnical layer that may exacerbate existing biases, discrimination, or power imbalances.

How can we weigh the added value of digital identification systems against the potential risks and harms to migrant safety and fundamental human rights? This report provides international organizations, policymakers, civil society, technologists, and funders with a deeper background on what we currently know about digital identity and how migrant identity data is situated in the Italian context. Key findings and recommendations include:

- **Migrants exchange identity data for resources without meaningful consent.** Privacy, informed consent, and data protection are compromised throughout the process of migrant and refugee identification.

- **Systemic bureaucratic biases present obstacles that would likely impede the fair development and integration of digital identity systems.**

- **Trust is lacking in the sociotechnical systems that are intertwined with identity.** Cultural mediators can be uniquely positioned in the system to build trust and literacy around privacy rights and informed consent. Moreover, if NGOs collecting identity data obtain the capacity and literacy, they can become ready access points to bolster data protection for migrant and refugee beneficiaries.

- **Urgent open questions remain to be explored before new digital identity systems are imposed in the current migration context.** Without a stronger evidence base and the appropriate safeguards in place, new digital identity systems are likely to amplify risks and harms in lives of vulnerable and marginalized populations in Italy and elsewhere.

Additionally, we identify three major thematic areas of concern involved with the data collection from and processing of migrants and refugees in Italy:

- **Bureaucratic bias in identity systems**—this includes concerns about the classification of vulnerable communities and the inconsistent collection of migrants' identity information.

- **Privacy and mistrusted systems**—this includes the difficulties in getting informed consent when collecting migrants' data, as well as migrants' understanding of privacy, the consequences of system avoidance, and the role of trusted intermediaries, such as cultural mediators.

- **Organizational data responsibility**—including how different organizations navigate their own understanding of privacy rights and data security practices.

In the current political climate in Italy and other European Union (EU) countries, **the addition of new digital identity systems promising the efficient implementation of existing policy is not an adequate response**. What is needed now is a policy-relevant knowledge base about the realities of bureaucratic and technical harms, the difficulties of maintaining privacy and obtaining meaningful informed consent, and the challenges of protecting identity data for all actors in the ecosystem. Officials and stakeholders can use this knowledge to ensure the proper technical and policy safeguards are in place *before* digital identity systems are developed, deployed, and integrated. Only then can we realize the benefits of trusted sociotechnical systems while also protecting the fundamental rights of vulnerable and marginalized populations.

# I. INTRODUCTION:
# DIGITAL IDENTITY'S DOUBLE EDGE

During field interviews for this report, we spoke with a young man from East Africa, now living in an informal refugee camp in Rome. He told us how border officials had used a digital scanner to collect his fingerprints during the first moments upon arrival on Italian shores, after a harrowing journey from Libya. He said he was not sure why his prints and personal information were taken and explained that he wasn't given a choice in the matter. He soon left Rome and traveled to Brussels to reunite with family. Once there, he checked in with Belgian officials to apply for asylum where his fingerprints were taken again. And then he was suddenly detained. He told us he had been shocked at being kept in a detention center for weeks without fully understanding why. The officials let him keep his smartphone, at least, but only after making him smash its camera lens. He thought this was to keep him from recording the conditions inside the facility. Eventually, the young man was sent back to Italy. This is where we met him, back in Rome, still using his smartphone and mobile apps to plan his next journey to Belgium. But, as he explained to us, this time he would not speak to officials, not apply for asylum, not offer his fingerprints. He was all too wary now of the consequences of such contact with the official bureaucracy and technologies of migration.

Increasingly, governments, international organizations, corporations, and NGOs are seeking to use digital technologies to track the identities of migrants and refugees. This surge in identification technologies would seem to meet a pressing need: the United Nations Refugee Agency states that in today's modern world, lacking proof of a legal identity can limit a person's access to services and socio-economic participation, including employment opportunities, housing, a mobile phone, and a bank account. This could be especially problematic for migrants, asylum seekers, and refugees who rely on legal recognition for special protection and social inclusion.[1] For the 25.4 million refugees worldwide,[2] many flee their homes without formal identification, and many more have their identification documents stolen or destroyed during their journey. Proof of identity for these individuals has been called a "lifesaver."[3] The World Bank also maintains that an official proof of identity is a "key enabler" for access to health care, education, food, and other essential services. And yet, globally, an estimated 1 billion people still lack

Interview from the Field
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**"Here, if you don't have your ID...[or] documents to ID yourself...you're no one... a nobody. "**

— Migrant Interview

1    UNHCR. "UNHCR Strategy on Digital Identity and Inclusion." Last accessed March 3, 2019. https://www.unhcr.org/blogs/wp-content/uploads/sites/48/2018/03/2018-02-Digital-Identity_02.pdf.

2    UNHCR. 2018. "Figures at a Glance." June 19, 2018. http://www.unhcr.org/en-us/figures-at-a-glance.html.

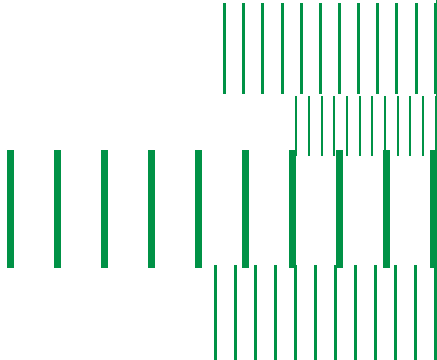3    Nonnecke, Brandie. 2017. "Risks of Recognition." *New America*, Sept. 5, 2017. https://www.newamerica.org/cybersecurity-initiative/humans-of-cybersecurity/blog/risks-of-recognition/.

government-issued identification.[4] Addressing this challenge of identity inclusion has become a priority for the international community.[5] Here we see promises and hopes that digital technology will provide the means to ensure an "identity for all."[6] But this report argues that the technologies and processes involved in digital identity will not provide easy solutions in the migration and refugee context and may amplify existing harms or create new ones.

> This report argues that the technologies and processes involved in digital identity will not provide easy solutions in the migration and refugee context and may amplify existing harms or create new ones.

Unlike traditional forms of identity recognized by the state—based on government records or physical forms of identification—digital identity relies on data needed for biometrics, identifiers linked to services, or online profiles. For example, the Office of the United Nations High Commissioner for Refugees (UNHCR) has implemented a biometric program in Jordan that requires refugees to use eye scanners to receive cash assistance, established through a public-private partnership with the company Iris Guard.[7] Researchers at Stanford have developed an algorithm claiming to help organizations place refugees in communities for resettlement based on data about their backgrounds.[8] The World Food Programme has teamed up with Mastercard to provide

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4    "ID4D Data: Global Identification Challenge by the Numbers." The World Bank Identification for Development (ID4D). Accessed Jan. 26, 2019. http://id4d.worldbank.org/global-dataset; nearly half of these individuals are in Sub-Saharan Africa, which is home to one-fifth of the world's total population.

5    For instance, the United Nations Sustainable Development Goals incorporate a target "to provide legal identity for all, including birth registration" by 2030. "United Nations Sustainable Development Goal 16.9." Sustainable Development Goals. Last accessed March 3, 2019. https://sustainabledevelopment.un.org/sdg16; UNICEF has described legal documentation, such as birth registration, as "key to guaranteeing that children are not forgotten, denied their rights or hidden from the progress of their nations." UNICEF. 2013. "One in three children under-five does not officially exist – UNICEF." Dec. 11, 2013. https://www.unicef.org/media/media_71508.html; according to a 2018 investigative report, over 10,000 child migrants have disappeared after arriving in Europe. It is believed that some may have travelled within Europe without reporting their whereabouts and others may have become victims of human trafficking. "Lost in Europe." Accessed Jan. 26, 2019. https://verspers.atavist.com/lost-in-europe.

6    See, UN Sustainable Development Goal 16.9: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels...By 2030, provide legal identity for all, including birth registration." United Nations. "Sustainable Development Goal 16." Last accessed March 3, 2019. https://sustainabledevelopment.un.org/sdg16.

7    UNHCR. 2017. "The Common Cash Facility." April 2017. https://www.unhcr.org/596331dd7.pdf.

8    Shashkevich, Alex. 2018. "Stanford scholars develop new algorithm to help resettle refugees and improve their integration." Stanford. Jan. 18, 2018. https://news.stanford.edu/2018/01/18/algorithm-improves-integration-refugees/.

refugees with cashless "e-cards," which they can use to buy needed goods.[9] Coalitions such as the ID2020 Alliance, comprised of governments, nonprofits, academia, companies, and UN agencies, have been established to assess "how to provide a unique digital identity to everyone on the planet."[10] ID2020 points to concurrent trends, including growing political willpower, rising global connectivity, and emerging technologies, such as biometrics, as opportunities to accelerate this goal.[11] Even those technology companies that serve the general public are implicated, as migrants use digital products, such as Facebook or Google Maps, as part of their everyday lives. European agencies like Frontex and Europol monitor social media for intelligence gathering on migration, particularly in regard to tracking human smuggling.[12]

In this report, we examine the sociotechnical role of identity—that is, how the intersection of digital technologies and identity is impacting people's lives, particularly those in vulnerable situations. Identity is a complicated human construct and has been long studied in psychological, political, and cultural terms.[13] In the migration context, individuals are given what researchers Schoemaker and Currion call "ascribed" identities: designations like "refugee" or "economic migrant," which are assigned by institutions and can either grant a person rights and protections or impose limitations on freedoms and agency.[14]

Interview from the Field
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"When you arrive, all you have is your name, surname. You have to give it everywhere...[you] don't know what happens. What are they asking it for?"

— Migrant Interview

9   Karim, Aliya. Sept. 22, 2017. "What WFP Delivers: Cash, Vouchers and E-Cards." *World Food Program USA*. https://www.wfpusa.org/articles/what-wfp-delivers-cash-vouchers-and-e-cards/.

10  Ward, Jason. 2018. "Microsoft, the ID2020 Alliance, universal digital identification and you." *Windows Central*, February 19, 2018. https://www.windowscentral.com/microsoft-universal-digital-identification-and-you.

11  "Why Digital Identity?" ID2020 Alliance. Accessed Jan. 26, 2019. https://id2020.org/digital-identity-1/; ID2020 Alliance. 2017. "ID2020 Alliance." Last accessed March 3, 2019. https://static1.squarespace.com/static/578015396a4963f7d4413498/t/5b4f6273575d1feb288ae0a5/1531929204374/ID2020%2BAlliance%2BDoc_UPDATED.pdf

12  Latonero, Mark & Kift, Paula. 2018. "On Digital Passageways and Borders – Refugees and the New Infrastructure for Movement and Control." *Social Media + Society*, vol. 4, issue 1.

13  *See, e.g.*, Castells, Manuel. 2011. *The Power of Identity*. Chichester: Wiley-Blackwell.

14  Schoemaker, Emrys and Currion, Paul. 2018. "Digital Identity at the Margins - Why Agency and Privacy matter for Refugee Communities." March 27, 2018. https://medium.com/caribou-digital/digital-identity-at-the-margins-2228fc1ae194. *See also* Currion, Paul. "The Refugee Identity." March 13, 2018. https://medium.com/caribou-digital/the-refugee-identity-bfc60654229a; *and* Schoemaker, Emrys, Currion, Paul, & Pon, Bryan. 2018. "Identity at the margins: refugee identity and data management." Farnham, Surrey, United Kingdom.

As the NGO Privacy International explains, these systems "can become tools for surveillance by the state and the private sector; they can exclude, rather than include." These harms have the potential to erode human dignity, autonomy, and agency.

When we talk about harms around digital identity we refer to the potential for socio-technical systems to exacerbate biases and power asymmetries.[15] In the migrant and refugee context, technological systems that miscategorize or misclassify can leave individuals out of a protected class, such as asylum seekers, or impact their allocation of goods or services, such as food, shelter, or legal aid. As the NGO Privacy International explains, these systems "can become tools for surveillance by the state and the private sector; they can exclude, rather than include."[16] These harms have the potential to erode human dignity, autonomy, and agency. Digital identification systems can threaten the fundamental rights to privacy, assembly, expression, movement, human security, work, and others.[17]

When governments, international organizations, or NGOs deploy digital technologies for migration management[18] they add a new sociotechnical layer that can exacerbate regional, national, and local power imbalances and lead to discrimination and stigmatization, thereby increasing the precarity of already vulnerable groups. The logic that digital identity is a lifeline to groups in need has been used, for example, to justify India's national identification system, Aadhaar. This system collects various types of biometric

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15    Research in fairness and bias in systems, particularly where algorithms are used, points to harms of representation and resource allocation. *See* Barocas, Solon, Crawford, Kate, Shapiro, Aaron, & Wallach, Hanna. 2017. "The Problem With Bias: Allocative Versus Representational Harms in Machine Learning." SIGCIS Conference; *see also* Noble, Safiya Umoja. 2018. *Algorithms of Oppression How Search Engines Reinforce Racism*. New York: NYU Press; for a discussion of new bureaucratic forms and migrant work via technologies, *see* Aneesh, A. 2006. *Virtual Migration: The Programming of Globalization*. Durham: Duke.

16    Privacy International. 2018. "The Sustainable Development Goals, Identity, and Privacy: Does their implementation risk human rights?" August 29, 2018. https://privacyinternational.org/feature/2237/sustainable-development-goals-identity-and-privacy-does-their-implementation-risk.

17    *See, e.g.*, Eubanks, Virginia. 2018. *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*. New York: St. Martin's Press; *and* Cheney-Lippold, John. 2018. *We Are Data: Algorithms and the Making of Our Digital Selves*. New York: NYU Press.

18    According to the International Organization for Migration, migration management is "a term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues." "Key Migration Terms." International Organization for Migration. Accessed January 26, 2019. https://www.iom.int/key-migration-terms.

information so that every Indian citizen can prove their identity to gain access to services. Yet the system has also excluded some: as it relies heavily on biometrics for authentication, those without readable fingerprints, like manual laborers, now find it hard to access government services.[19] Despite the fundamental right to privacy, people have little choice whether to give up their data, and the system has already suffered high profile data breaches.[20] This raises the question of who is empowered to say no to identity data collection, a question that also applies in a more direct way to migrants and refugees seeking access to European borders. As digital identity systems multiply around the world, the digital rights organization Access Now has claimed that "digital ID, writ large, poses one of the gravest risks to human rights of any technology that we have encountered."[21]

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## How can we weigh the value of digital identification systems against the potential risks to migrant safety and fundamental human rights?

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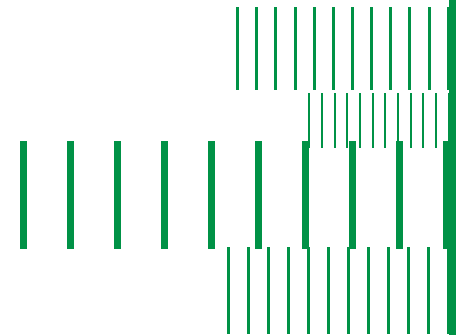
How can we weigh the value of digital identification systems against the potential risks to migrant safety and fundamental human rights? Providing answers to these tradeoffs begins with understanding how policy decisions, digital technology, and identity data are constraining and enabling forces for migrants and refugees on the ground, right now. This research develops this knowledge base through qualitative interviews and observations in Italy conducted in 2018 in the context of increasingly restrictive EU migration and refugee policy, major political shifts heavily influenced by migration into Europe, and the election of Italy's new ruling party that ran on an anti-migrant platform.

19  Goel, Vindu. 2018. "'Big Brother' in India Requires Fingerprint Scans for Food, Phones and Finances." *The New York Times*, April 7, 2018. https://www.nytimes.com/2018/04/07/technology/india-id-aadhaar.html.

20  Doshi, Vidhi. 2018. "A security breach in India has left a billion people at risk of identity theft." *The Washington Post*, Jan. 4, 2018. https://www.washingtonpost.com/news/worldviews/wp/2018/01/04/a-security-breach-in-india-has-left-a-billion-people-at-risk-of-identity-theft/?utm_term=.21d5c0ba7d01.

21  Solomon, Brett. 2018. "Digital IDs are more dangerous than you think," *Wired*, September 28, 2018, https://www.wired.com/story/digital-ids-are-more-dangerous-than-you-think/.

This report provides international organizations, policymakers, civil society, technologists, and funders, with a deeper background on what we currently know about digital identity and how migrant identity data is situated in the Italian context. It presents key themes that arose during field research and concludes with suggestions for productive areas of future inquiry and a small number of actionable recommendations. Key findings and recommendations include:

- Migrants exchange identity data for resources without meaningful consent. Privacy, informed consent, and data protection are compromised throughout the entire process of identification.

- Systemic bureaucratic biases present obstacles that would likely impede the fair development and integration of digital identity systems.

- Trust is lacking in the sociotechnical systems that are intertwined with identity. Cultural mediators can be uniquely positioned in the system to build trust and literacy around privacy rights and informed consent. Moreover, if NGOs collecting identity data obtain the capacity and literacy, they can become ready access points to bolster data protection for migrant and refugee beneficiaries.

- Urgent open questions remain to be explored before new digital identity systems are imposed on the current migration context. Without a stronger evidence base, and the appropriate safeguards in place, new digital identity systems are likely to exacerbate risks and harms in the lives of vulnerable and marginalized populations in Italy and elsewhere.

# II. RESEARCH DESIGN AND METHODS

The project's research team conducted qualitative interviews in Italy in June and July of 2018. The purpose of the field visits was to provide geographically specific observations and recommendations for policymakers, international organizations, and civil society working with migrants and refugees in Italy, some of which could also be applicable to broader contexts in Europe. The field research team consisted of two American researchers, Mark Latonero (principal investigator) and Keith Hiatt, and two Italian researchers, Antonella Napolitano and Giulia Clericetti, with a research analyst, Melanie Penagos, based in New York. This project's Italian partner, Coalizione Italiana Libertà e Diritti Civili (CILD), coordinated research, mapped the stakeholder landscape, and identified field sites. Interviews were conducted with representatives from NGOs, international organizations, government, and participants from migrant and refugee communities.

The interview protocol consisted of semi-structured, open-ended questions created for two groups: first, migrants and refugees; and second, government, UN, international organizations, and local NGOs. The questions explored the types of identity data collected, the types of technology used, the expressed risks and benefits, as well as issues of privacy, consent, and data protection.

The team conducted interviews in Rome, Milan, Ventimiglia (border of France), and Como (border of Switzerland). Only adults (18+ years old) were selected as participants. Interviews with migrants and refugees took place in informal settlements, such as Baobab and Selam Palace in Rome, and in more structured housing settings in Milan. Interviews with migrants and refugees were conducted by the research team with interpreters and cultural mediators who could translate in real time, for example, from Tigrinya or Arabic to English or Italian. In cases where migrants and refugees spoke English or Italian, no interpreter was involved. Interviews with organizations took place in Italian (mostly) or English. Each interview averaged one hour. Handwritten notes were taken and transcribed by each of the researchers, and then cross referenced and coded for analysis.

Researchers used a convenience and snowball sampling method resulting in a non-representative sample. In all, 25 migrants and refugees were interviewed along with 25 staff and officials from 16 organizations. The majority of the migrants and refugees interviewed were men who were visible in the common areas in the informal camps. The majority of participants originated from Eritrea and Ethiopia, others from Somalia and Sudan, some who had traveled from North Africa, West Africa, and the Middle East, and several outliers from South Asia and South America. No specific information on level of education, religion, age, refugee status, or names was recorded or retained.

The study was designed in light of the inherent and often problematic power dynamics of Western-based organizations researching vulnerable refugee populations. These types of power relationships and issues around equity and objectification can be mitigated by more ethnographic methods and participatory research, as well as by including more local rights-based groups to advise researchers. Still, the team made decisions while in the field to mitigate the negative impact of the research. For example, the team decided not to conduct interviews at hotspots and places of immediate reception for migrants in order to reduce social and psychological stressors. In addition, the research protocol required informed consent—a statement detailing the purpose of the study and data collection was read and verbal assent was required before asking questions. Yet in the field, researchers noted the challenges of obtaining meaningfully informed consent from some participants. It became clear that some migrants and refugees did not fully understand the informed consent and research process, even after assenting to participate in the study. In some cases, researchers went back to the consent protocol and attempted to present it, through cultural mediators, in ways that could be more readily understood. In other cases, the interview was terminated due to the inability to convey the consent and privacy protections in an understandable way. Researchers limited the total number of interviews with migrants and refugees as a result.

In this report we use the terms "migrants" and "refugees" with full knowledge that they have both social and legal meanings that matter. We often default to the more inclusive term, migrants, independent of legal classification, which may include an asylum seeker or a refugee.[22] Yet we acknowledge that some participants preferred to be called asylum seekers or refugees to signify their membership in a protected group.

This study contained several limitations. As a qualitative study, respondents were not a representative sample either of migrants or of organizations in Italy. While the social and technical patterns described in this study may be relevant in other locations, the research is specific to Italy and to the experiences of the migrants. A full technical analysis would have been useful but was outside the scope of the study—we did not examine digital security, data protection, or bureaucratic procedures. We relied on self-reporting and our own observations during the interviews. Lastly, the questions asked by researchers were created to understand the technologies and processes around identity— given greater scope, we would have asked additional questions about how migrants might think differently about their identity than the organizations collecting their data.

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22  *See* Human Rights Watch. 2016. "EU Policies Put Refugees At Risk: An Agenda to Restore Protection." Nov. 23, 2016. https://www.hrw.org/news/2016/11/23/eu-policies-put-refugees-risk. "The term migrant describes the wide range of people on the move; it is intended as an inclusive rather than an exclusive term. A migrant may also be an asylum seeker or refugee. An asylum seeker is someone who has or intends to apply for international protection in a country other than her own. A refugee is a person who has a well-founded fear of persecution in her country of origin."

# III. IDENTITY DATA ECOSYSTEM

It can be difficult to keep track of the ecosystem of actors, organizations, and technologies involved in collecting and processing migrant and refugee identity data. This is a problem for stakeholders—practitioners, policymakers, corporate actors, and civil society – who need empirical, on the ground, knowledge to assess the benefits and risks of new technologies. Institutions might imagine the positive potential of collecting identity data: It can be used to provide consistent services across time and place, like health care from one refugee setting to the next. Consistent data can also reduce the number of times migrants must tell their "story" to organizations providing services. For migrant workers looking for jobs, data about their credentials can serve to match them with employers, leading to financial inclusion and economic empowerment.

It should be said that data collection, analytics, statistical models, and algorithms can provide extraordinary insights that can provide benefits to organizations, their staff and operations, and their beneficiaries in humanitarian and human rights contexts. We can also assume that all digital data collection is subject to risks and harms arising from missing data, misused data, incorrect data, non-representative data, biased models, faulty analysis, and insecure data storage.
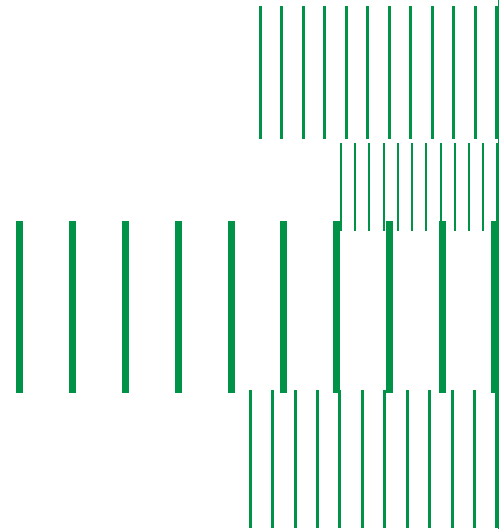
But these same technologies can also result in unintended harms. Migrants can face social stigmatization or xenophobia in host communities, leading to special privacy and security concerns. Like other marginalized groups, migrants may also be excluded from, or actively avoid, social systems of support if they feel they are being tracked via technology. For migrants seeking access to even the most basic resources, the price often involves handing over information about their identity, which calls into question the principle of voluntary and informed consent.

The mere collection of migrants' personal data introduces risk, especially for those fleeing persecution from a government that may want to harm them or cannot protect them from powerful actors in their home country. Furthermore, factions in transit or host countries may also seek to inflict harm on migrants if they know their status. For example, a 2013 report by Privacy International describes how information obtained by humanitarian actors could be used to facilitate surveillance and pose threats to an

individual's right to privacy.[23] According to field interviews, some refugees fear that sensitive information may be shared with individuals or government agencies in their home countries. It should be said that data collection, analytics, statistical models, and algorithms can provide extraordinary insights that can provide benefits to organizations, their staff and operations, and their beneficiaries in humanitarian and human rights contexts. We can also assume that all digital data collection is subject to risks and harms arising from missing data, misused data, incorrect data, non-representative data, biased models, faulty analysis, and insecure data storage.

This report situates a focus on identity data within researcher Jonathan Donner's helpful distinctions between identity, identification, and "ID." According to Donner, identity is "an intangible, always contested something an individual creates, or perhaps has, as a result of their interactions with other human beings and systems." **Identification**, by contrast, "often implies a process [...] to describe a proof, a system, or a transaction involving a subject and an evaluator, centered around verifying a claim that a person is one person and not any other." And finally, an **ID** is more simply "a tangible artifact—a document or element that supports a claim or signals that identification might be possible." This set of definitions is useful because it separates a social and cultural relationship from a process, from a physical thing.

In the field we saw the importance of **IDs** that conferred a legitimate identity in the eyes of governments, such as a birth or marriage certificate, which recognizes the person as a bearer of rights and locates the jurisdiction that holds responsibility for protecting those rights.[24] These IDs included passports, a national or local government ID, taxpayer ID number, criminal justice record number, military service-member ID, etc. In addition, a legal or government-issued ID can become data collected by other institutions. For example, a financial institution may require a formal government issued ID for a migrant to open a bank account. We also saw **local IDs**—often analog—including membership and ID cards to assist with processing data or managing services for migrants. ID cards, bracelets, and scraps of paper with numbers or names written on them are "local" in the sense that they are generally used in a specific and closed context and are not interoperable with other systems. Researchers also observed a number of **identification technologies**, such as digital fingerprinting machines or computers used to search databases.

This report's primary concern, however, is migrant and refugee **identity data**. This includes types of data like **personally, identifiable information (PII)**, such as names, birthdays, place of birth, mobile phone numbers, web browser histories, mobile phone

23   Hosein, Gus and Nyst, Carly. 2013. "Aiding surveillance: An exploration of how development and humanitarian aid initiatives are enabling surveillance in developing countries." Privacy International. Oct. 2013. https://privacyinternational.org/sites/default/files/2017-12/Aiding%20Surveillance.pdf.
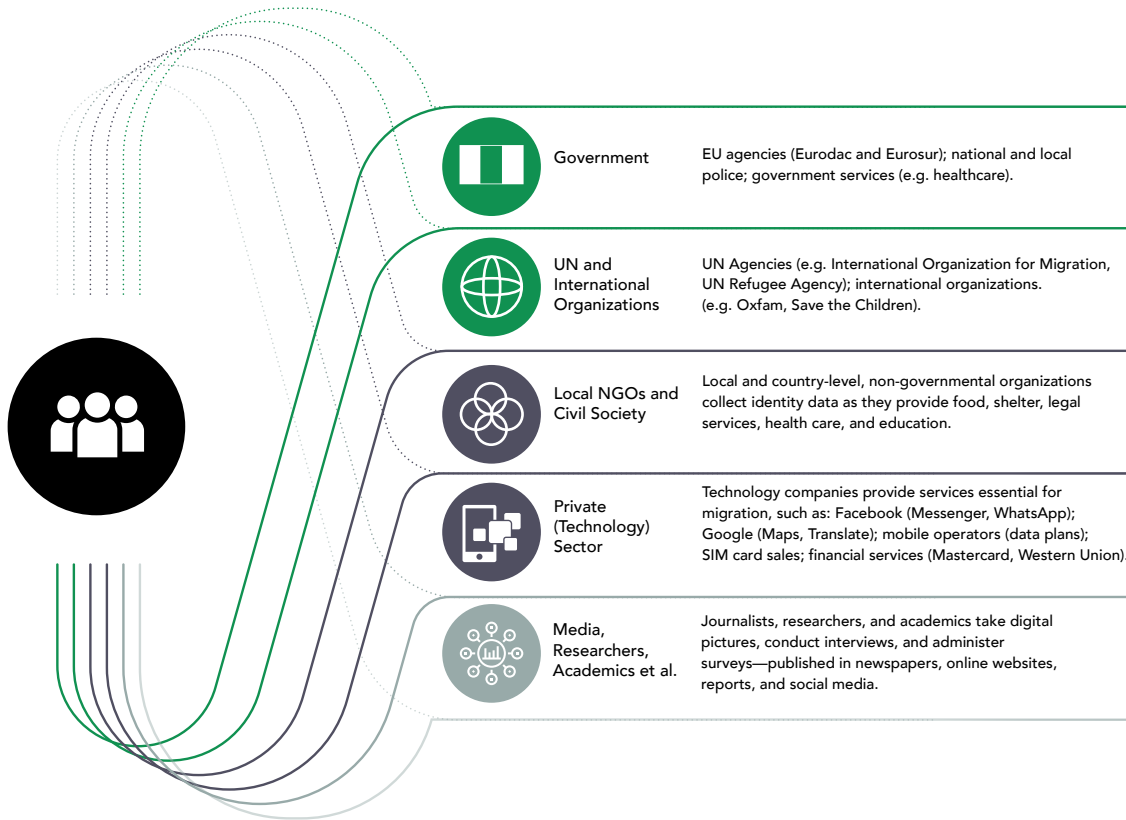
24   For an examination of legal identity and resource allocation, *see* Harbitz, Mia and del Carmen Tamargo, Maria. 2009. "The Significance of Legal Identity in Situations of Poverty and Social Exclusion." Inter-American Development Bank. November 2009. https://www.opensocietyfoundations.org/sites/default/files/legal-identity-2030-agenda-lessons-kibera-kenya-2051216.pdf.

**Fig. 1**

IDENTITY DATA ECOSYSTEM FOR MIGRANTS AND REFUGEES
**Data Collectors**

Institutions, organizations, and individuals collect, control, process, and share identity data within the ecosystem.

| | | |
|---|---|---|
| **Government** | EU agencies (Eurodac and Eurosur); national and local police; government services (e.g. healthcare). | |
| **UN and International Organizations** | UN Agencies (e.g. International Organization for Migration, UN Refugee Agency); international organizations. (e.g. Oxfam, Save the Children). | |
| **Local NGOs and Civil Society** | Local and country-level, non-governmental organizations collect identity data as they provide food, shelter, legal services, health care, and education. | |
| **Private (Technology) Sector** | Technology companies provide services essential for migration, such as: Facebook (Messenger, WhatsApp); Google (Maps, Translate); mobile operators (data plans); SIM card sales; financial services (Mastercard, Western Union). | |
| **Media, Researchers, Academics et al.** | Journalists, researchers, and academics take digital pictures, conduct interviews, and administer surveys—published in newspapers, online websites, reports, and social media. | |

metadata, etc. PII is considered sensitive because once collected, it can be used to uniquely identify individuals or track their location.[25] PII is closely tied to government and local ID and is often the raw material for identification systems and digital identity. Identity data can also be aggregated to reveal **Demographically Identifiable Information (DII)** such that groups or classes of people, can be located or tracked.[26] Moreover, a focus on identity data highlights the way migrant data moves in an ecosystem filled

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25   *See*, *e.g.*, General Data Protection Regulation. "Regulation (EU) 2016/679." EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1551649909982&uri=CELEX:32016R0679 (*hereinafter* "GDPR") (defining "personal data" as "any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person"); *and* U.S. Department of Homeland Security. 2019. "Handbook for Safeguarding Sensitive PII." Last published Feb. 21, 2019. https://www.dhs.gov/publication/dhs-handbook-safeguarding-sensitive-pii. (defining "personally identifiable information" as ". . . any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual . . . ").
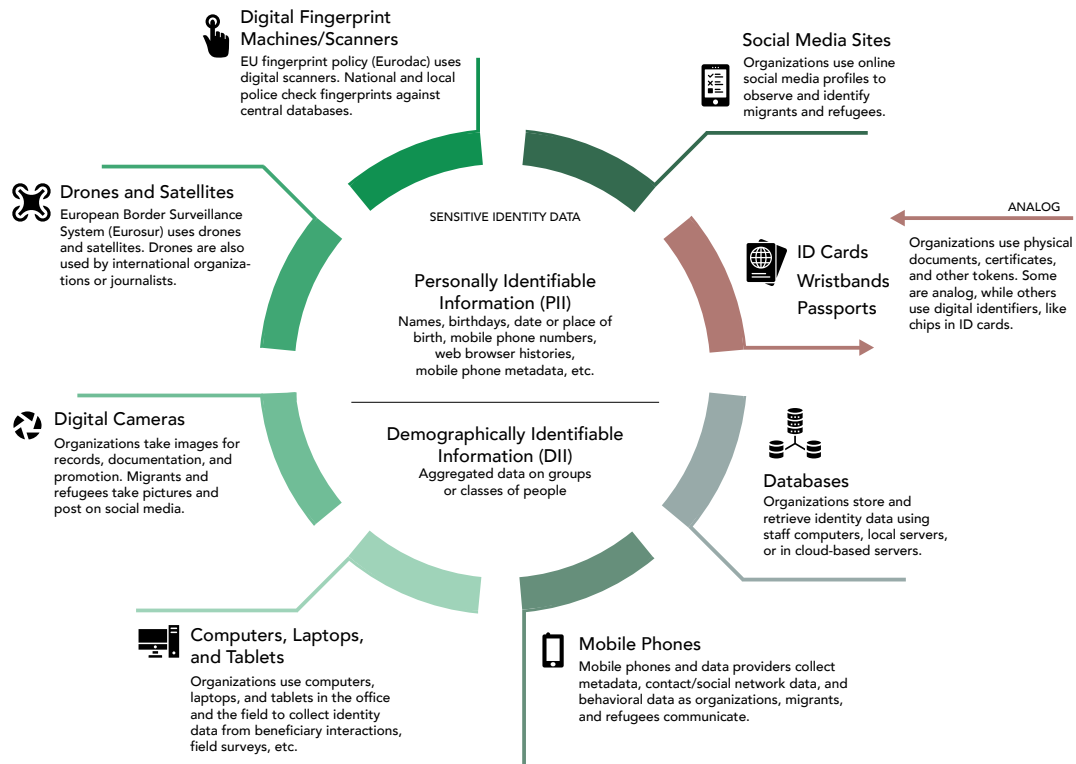
26   Raymond, Nathaniel. 2017. "Beyond "do no harm" and individual consent: Reckoning with the emerging ethical challenges of civil society's use of data" *Group Privacy*, 67-82.

**Fig. 2**

IDENTITY DATA ECOSYSTEM
FOR MIGRANTS AND
REFUGEES
**Identity Data Technologies**

Identity data technologies collect both personally and demograph-
ically sensitive data, which can be used to track individuals or
groups. All actors in the ecosystem should follow responsible data
protection in each step: collection, processing, analysis, storage,
retrieval, and maintenance.



**Digital Fingerprint
Machines/Scanners**
EU fingerprint policy (Eurodac) uses
digital scanners. National and local
police check fingerprints against
central databases.

**Social Media Sites**
Organizations use online
social media profiles to
observe and identify
migrants and refugees.

**Drones and Satellites**
European Border Surveillance
System (Eurosur) uses drones
and satellites. Drones are also
used by international organiza-
tions or journalists.

ANALOG

**ID Cards
Wristbands
Passports**
Organizations use physical
documents, certificates,
and other tokens. Some
are analog, while others
use digital identifiers, like
chips in ID cards.

SENSITIVE IDENTITY DATA

**Personally Identifiable
Information (PII)**
Names, birthdays, date or place of
birth, mobile phone numbers,
web browser histories,
mobile phone metadata, etc.

**Digital Cameras**
Organizations take images for
records, documentation, and
promotion. Migrants and
refugees take pictures and
post on social media.

**Demographically Identifiable
Information (DII)**
Aggregated data on groups
or classes of people

**Databases**
Organizations store and
retrieve identity data using
staff computers, local servers,
or in cloud-based servers.

**Computers, Laptops,
and Tablets**
Organizations use computers,
laptops, and tablets in the office
and the field to collect identity
data from beneficiary interactions,
field surveys, etc.

**Mobile Phones**
Mobile phones and data providers collect
metadata, contact/social network data, and
behavioral data as organizations, migrants,
and refugees communicate.

with actors, organizations, and technologies collecting, processing, storing, and sharing
data. Exploring the people, systems, policies, and practices intersecting with migrant
identity data helps to understand key issues around data protection, privacy, informed
consent, and power asymmetries. The following two infographics represent the identity
data ecosystem for migrants and refugees. Figure 1 shows the data collectors in the
ecosystem and Figure 2 show the array of technologies used for identity.

# IV. EUROPEAN CONTEXT: MIGRATION/ REFUGEE POLICY AND DIGITAL IDENTITY

In Europe, the collection of identity data is shaped by a number of policies, which create vast power differentials between governments and migrants with implications for issues like social protection, privacy, and consent. In recent years, the EU has sought to limit both the number of arrivals and those who are allowed to stay. According to the International Organization for Migration (IOM), while the total number of arrivals to Europe have been decreasing since the apex of more than a million in 2015,[27] Europe remains "the world's most dangerous destination for 'irregular' migrants."[28] This is due to the number of deaths in the Mediterranean: 3,771 in 2015, 5,143 in 2016, and 3,139 in 2017.[29] Human Rights Watch found an absence of safe and orderly passages for refugees and asylum seekers, as well as damaging "policies designed to limit arrivals and to outsource responsibility to regions and countries outside of the EU."[30] For instance, the European Border Surveillance System (Eurosur) operates drone and satellite surveillance of the Mediterranean Sea.[31] Rather than personally identifying migrants or refugees, which could then entail providing them with protections, Eurosur extends the physical border outwards as satellites and drones identify only "illegal" migrants on boats and tries to prevent them from even reaching the shores of the EU.[32]

For those who make it to European territory, the EU has developed several large-scale IT systems for digital identification. The European Dactyloscopy system (Eurodac) coordinates biometric fingerprint collection and database management.[33] Digital fingerprints are taken at the point of arrival, when crossing internal borders, and potentially

27   International Organization for Migration. Accessed Jan. 26, 2019. http://migration.iom.int/europe?type=arrivals.

28   International Organization for Migration. "Latest Global Figures." Missing Migrants. Accessed Jan. 26, 2019. https://missingmigrants.iom.int/latest-global-figures. According to the International Organization for Migration, the term irregular migration refers to the "movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term 'illegal migration' to cases of smuggling of migrants and trafficking in persons." International Organization for Migration. "Key Migration Terms." Accessed Jan. 26, 2019. https://www.iom.int/key-migration-terms.

29   International Organization for Migration. Accessed Jan. 26, 2019. http://migration.iom.int/europe?type=arrivals; International Organization for Migration. 2016. "IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015." Jan. 5, 2016, https://www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015.

30   Human Rights Watch. 2016. "EU Policies Put Refugees At Risk: An Agenda to Restore Protection." Nov. 23, 2016. https://www.hrw.org/news/2016/11/23/eu-policies-put-refugees-risk.

31   European Commission on Migration and Home Affairs. "Eurosur." Updated July 12, 2018. https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/eurosur_en.

32   Latonero, Mark & Kift, Paula. 2018. "On Digital Passageways and Borders – Refugees and the New Infrastructure for Movement and Control." *Social Media + Society*, vol. 4, issue 1.

33   European Commission on Migration and Home Affairs. "Identification of applicants (EURODAC)." Updated July 12, 2018. https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en.

during any contact a migrant has with a migration or law enforcement official. Thus, the border is pushed further within each country in the EU and instantiated within the physical body of those seeking asylum. No informed consent is required when implementing Eurodac policy and border officials are authorized, if necessary, to use physical or psychological coercion to obtain fingerprints from adult migrants. A Eurodac policy to allow coercion techniques for children was also proposed, though it was objected to by a number of UN and International Organizations.[34] The European Commission lowered the minimum age for biometric collection from 14 years old to 6 years old for unaccompanied minors and extended the duration of data storage from 18 months to 5 years.[35]

> In Europe, the collection of identity data is shaped by a number of policies, which create vast power differentials between governments and migrants with implications for issues like social protection, privacy, and consent.

One of the most significant policies that impacts refugees is the "Dublin Regulation,"[36] which sets out the process for collecting data from those seeking asylum in Europe. The regulation (EU) No 604/2013 of the European Parliament and of the Council requires that "Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them," which means that identity data is often collected where "the applicant first lodged his or her application for international protection with a Member State."[37]

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34   International Organization for Migration. 2018. "Joint Statement: Coercion of children to obtain fingerprints and facial images is never acceptable." February 28, 2018. https://eea.iom.int/sites/default/files/publication/document/Joint_statement_Coercion_EURODAC_03.2018.pdf.

35   *See*, European Commission. 2018. "Security Union: Commission proposal for a stronger EU-LISA Agency adopted (press release)." Nov. 9, 2018. http://europa.eu/rapid/press-release_IP-18-6324_en.htm; *and* European Commission. 2016., "Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' . . ." May 4, 2016. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX-:52016PC0272&from=EN.

36   European Commission on Migration and Home Affairs. 2018. "Country responsible for asylum application (Dublin)." Updated July 12, 2018. https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en; "Regulation (EU) No 604/2013." Art. 3.1 & 7.2. EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/ALL/;jsessionid=jHNlTp3HLjqw8mqGbQSpZh1VWpjCyVQq14Hgcztw4pbfSQZffnrn!557467765?uri=CELEX:32013R0604.

37   "Regulation (EU) No 604/2013." Art. 3.1 & 7.2. EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/ALL/;-jsessionid=jHNlTp3HLjqw8mqGbQSpZh1VWpjCyVQq14Hgcztw4pbfSQZffnrn!557467765?uri=CELEX-:32013R0604.

In practice, fingerprints are taken in the first EU country of arrival, which becomes the country where a refugee should apply for asylum and remain until that application has been adjudicated. However, many asylum seekers do not wish to remain in their first country of entry, often Greece and Italy, and may seek transit to other destinations in western and northern Europe. Migrants who decide to continue to other countries may live in fear of being tracked and sent back to the first country of arrival, which some informally refer to as being "Dublined."[38]

> Migrants who decide to continue to other countries may live in fear of being tracked and sent back to the first country of arrival, which some informally refer to as being "Dublined."

Migrants entering Europe and seeking asylum protection do have the right to receive understandable information about their data collection and procedures.[39] However, this is not necessarily the same as achieving meaningful informed consent before undertaking data collection. The Member State where a migrant applies for protection must provide information about the goals and purposes of the regulation. And the Dublin Regulation does require that information be provided in a language the asylum seeker understands.[40] Yet as will be discussed later, it is unclear that migrants are in a position to fully understand the legal information they are given. In addition, research conducted by the EU Agency for Fundamental Rights (FRA) "found that authorities that collect personal data of asylum and visa applicants, as well as of migrants in an irregular situation [...] find it challenging to provide information in an understandable manner."[41] This is not to say that migrants are unable to appreciate the problematic nature of data collection practices, but rather that skepticism around information gathering and sharing was common among the migrants interviewed for this report. Even when cultural, linguistic, and other barriers can be overcome, migrants may not be able to exercise meaningful consent—that is the ability to say "no"—when access to the border and basic services are sitting on the other side of saying "yes."

38   Reidy, Eric. 2017. "How a fingerprint can change an asylum seeker's life." *IRIN News,* Nov. 21, 2017. https://www.irinnews.org/special-report/2017/11/21/how-fingerprint-can-change-asylum-seeker-s-life.

39   "Regulation (EU) No 604/2013." Art. 4. EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/ALL/;jsession-id=jHNlTp3HLjqw8mqGbQSpZh1VWpjCyVQq14Hgcztw4pbfSQZffnrn!557467765?uri=CELEX:32013R0604.

40   "Regulation (EU) No 604/2013." Art. 4.2. EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/ALL/;j-sessionid=jHNlTp3HLjqw8mqGbQSpZh1VWpjCyVQq14Hgcztw4pbfSQZffnrn!557467765?uri=CELEX-:32013R0604.

41   "Under watchful eyes: biometrics, EU IT systems and fundamental rights." European Union Agency for Fundamental Rights (FRA). 2018. http://fra.europa.eu/en/publication/2018/biometrics-rights-protection.

These challenges present a worrying trend, particularly in Europe, where the General Data Protection Regulation (GDPR) has enshrined the key point of data protection law: that one must have a legal basis for the collection and processing of an individual's data and all such activities are subject to the law. Legal requirements include informed consent[42] and the right to understand the logic behind the process and the consequences of automated decisions[43] as legal requirements in data collection. But if collecting authorities cannot provide an explanation of data protection rights in plain language, these substantive rights will remain unfulfilled. Furthermore, the GDPR procedures do not explicitly contemplate what data collection rights looks like in a migration context. The GDPR applies to any entity collecting and processing personal data of any person residing in the EU.[44] Data collections—even by Member States, with some exceptions[45]—must comply with the GDPR requirements. It is important to note that intergovernmental organizations, such as the UN, claim immunity from the GDPR and similar data regulations.[46]

Interviews with NGOs found that institutions, associations, and organizations at all levels are looking into increasing their use of technology to collect and store migrants' personal data for more efficient service provision.[47] However, there is a lack of coherent policy guiding the use of ID technologies by other actors, such as international organizations and NGOs, who identify, monitor, or provide services to migrants. While some EU-wide regulations exist, such as the Dublin Regulation and the GDPR, the exact manner by which Member States implement these rules may differ. Further, any particular organization attempting to aid, monitor, serve, or otherwise interact with migrants may comply with these laws differently, with varying degrees of success from a migrants' perspective.

## ITALIAN CONTEXT

For many migrants and asylum seekers travelling from Africa and the Middle East, Italy's location on the Mediterranean Sea has made it a major port of entry in Europe. When migrants arrive by sea they are taken to reception centers, called "hotspots," where identity data collection begins.[48] Since 2014, more than 600,000 migrants have arrived in Italy by sea.[49] The demographics of asylum seekers in Italy are diverse, with migrants

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42   GDPR Article 18(2).

43   GDPR Articles 13(2)(f) and 14(2)(g).

44   GDPR Art. 3.

45   GDPR Art. 2.2(b).

46   *See* Kuner, Christopher. 2018. "International Organizations and the EU General Data Protection Regulation." *University of Cambridge Faculty of Law Research Paper*, no. 20/2018, *International Organisations Law Review* (forthcoming). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3050675.

47   Field interview.

48   Asylum in Europe. "Hotspots." Asylum Information Database and the European Council on Refugees and Exiles. Accessed Jan. 27, 2019. https://www.asylumineurope.org/reports/country/italy/asylum-procedure/access-procedure-and-registration/hotspots#footnote3_yo06858.

49   UNHCR. "Operational Data Portal: Refugee Situations." Accessed Jan. 27, 2019. https://data2.unhcr.org/en/situations/mediterranean/location/5205.

originating from the Middle East, Africa, and South Asia.[50] According to the IOM, as of September 2018, the main nations of origin for arrivals to Italy are Tunisia, Eritrea, Sudan, Pakistan, and Iraq.[51] Italy's role as an initial port of entry for EU migrants was impacted in 2016, after an agreement was reached between Turkey and the EU to control the migration flow by keeping more migrants and refugees in Turkey rather than allowing them to cross into Greece. In 2017, Italy received the second highest number of asylum requests in the EU, after Germany. Yet, just over 40% of applicants were granted some form of asylum protection and less than 10% received refugee status.[52] Those who are not granted asylum can appeal the decision, lengthening the process by several months to over a year. However, few migrants have been repatriated to their home countries.[53] This results in a growing number of "irregular" migrants who remain in Italy or in Europe after a negative decision.[54] These migrants are considered "irregular" by the IOM and others because they cross an international boundary without a valid passport or travel authorization. These categories—irregular migrant, asylum seeker, or refugee—are identities that sit in an asymmetrical power relationship with the Italian State.

In the current political environment, politicians in a number of European countries are attempting to mobilize populist support for stricter border control and anti-migrant policies. Italy's new government, which came to power in June 2018, has adopted a policy of deterrence, highlighting the social anxiety over immigration.[55] The Interior and Deputy Prime Minister, Matteo Salvini, who heads Italy's League party, has refused to allow some migrant rescue ships to dock in Italy.[56] This is in the context of years of anti-migration rhetoric by political parties and anti-NGO rhetoric that paints rescue ships as a "taxi service"—even going so far as trying to criminalize aid workers.[57] According to the Italian Institute for International Political Studies, Salvini's policies coincide with "a new surge in the number of dead or missing at sea."[58] Another policy to dissuade migrants from entering or staying in the country has been the approval of a security and immigration

50    Asylum in Europe. "Statistics." Asylum Information Database and the European Council on Refugees and Exiles. Accessed Jan. 27, 2019. https://www.asylumineurope.org/reports/country/italy/statistics.

51    International Organization for Migration. Accessed Jan. 26, 2019. http://migration.iom.int/europe?type=arrivals.

52    Eurostat. 2018. "Asylum Statistics." April 18, 2018. https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_drop_in_2017.

53    Lopez Curzi, Corallina. 2017. "5 things to know about Italy's plan for immigration." Open Migration. Feb. 10, 2017, https://openmigration.org/en/analyses/5-things-to-know-about-italys-plan-for-immigration/.

54    Open Migration. 2017. "Why the new Italian law on immigration and asylum is not good news at all." April 28, 2017. https://openmigration.org/en/analyses/why-the-new-italian-law-on-immigration-and-asylum-is-not-good-news-at-all/.

55    Donadio, Rachel. 2018. "It's the Right Wing's Italy Now." The Atlantic, June 6, 2018. https://www.theatlantic.com/international/archive/2018/06/its-the-right-wings-italy-now/562256/.

56    "Italy 'to shut ports' to boat carrying over 600 refugees." Al Jazeera, June 10, 2018. https://www.aljazeera.com/news/2018/06/italy-shut-ports-boat-carrying-600-refugees-180610175926654.html.

57    Gazzotti, Lorena. 2017. "Coming to the aid of drowning migrants? Get ready to be treated like a criminal." The Guardian, Dec. 20, 2017. https://www.theguardian.com/commentisfree/2017/dec/20/aid-drowning-migrants-criminal-activists-ngo-witness-brutal-border-policing.

58    Villa, Matteo. 2018. "Sea Arrivals to Italy: The Cost of Deterrence Policies." Italian Institute for International Political Studies. Oct. 5, 2018. https://www.ispionline.it/en/publication/sea-arrivals-italy-cost-deterrence-policies-21367.

decree, which aims to drastically reduce the right to asylum by abolishing humanitarian protection awarded to asylum-seekers.[59] The decree also frames marginalized groups like the homeless,[60] as security risks, thereby negatively impacting both irregular migrants and the most vulnerable of Italian citizens. The decree has already been criticized by many, including the Council of Europe and some Italian courts and municipal governments.[61]

For a ground level perspective of migrants living in Italy today, we visited field sites that included Selam Palace, one of Rome's largest and most populated centers for refugees and international protection holders.[62] Located in a former building of the University of Rome Tor Vergata, "Selam (Amharic for 'Peace') Palace has been a home for hundreds of refugees, asylum seekers, migrants in transit, and long-term residents for over ten years."[63] The number of occupants is not known, reports say the number of residents ranges between 600 to 1,000 at any given time, which include families and children primarily from Eritrea, Ethiopia, and Somalia.[64] Settlements like Selam Palace and other occupied buildings in Rome host many long-term residents. They are often migrants who are legally residing in Italy under refugee status. Their stay in a settlement may be temporary or indefinite, sometimes depending on the tolerance from local police or officials who can order the evacuation of the premises. These settlements are usually self-organized by refugees with national, cultural, or linguistic affinities. The sanitary and economic conditions are poor in many cases, and the illegal status of the settlements leads to a continued sense of precarity.

Interview from the Field

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"In Italy, politics can drive technology."

— Government Worker

59   Italian Coalition for Civil Liberties and Rights. 2018. "The Salvini decree has been issued: Legislative changes on immigration." Sept. 25, 2018, https://cild.eu/en/2018/09/25/salvini-decree-changes-immigration/.

60   Santoro, Gennaro. "Informal hearing in the Bureau, relating to the examination of draft law no. 840 (decree-law no. 113/2018 - public security)." Italian Coalition for Civil Liberties and Rights. Last accessed March 3, 2019. https://cild.eu/en/wp-content/uploads/sites/2/2018/11/Traduzione_intervento-CILD-Senato_DL-sicurezza.pdf.

61   *See*, Scherer, Steve. 2018. "Italy to narrow asylum rights in clampdown on immigration." Reuters. Sept. 24, 2018. https://www.reuters.com/article/us-italy-politics-immigration-security/italy-to-narrow-asylum-rights-in-clampdown-on-immigration-idUSKCN1M41R8; InfoMigrants. 2018. "Council of Europe: Italian security decree a 'step backwards.'" Dec. 20, 2018. http://www.infomigrants.net/en/post/13382/council-of-europe-italian-security-decree-a-step-backwards; Horowitz, Jason. "Italy's Crackdown on Migrants Meets a Grass-Roots Resistance." New York Times. Feb. 1, 2019. https://www.nytimes.com/2019/02/01/world/europe/italy-mayors-migrants-salvini-security-decree.html

62   InfoMigrants. 2018. "Selam Palace, the 'invisible city' of refugees in Rome." July 18, 2018. http://www.infomigrants.net/en/post/10699/selam-palace-the-invisible-city-of-refugees-in-rome.

63   Camilli, Eleonora. 2017. "Where is my home? A journey through refugees housing occupations in Rome." Open Migration. Dec. 13, 2017. https://openmigration.org/en/analyses/where-is-my-home-a-journey-through-refugees-housing-occupations-in-rome/ (*original article available at* Camillli, Eleonora. "La casa dov'è: viaggio a Roma fra le occupazioni dei rifugiati." Open Migration. Nov. 29, 2017. https://openmigration.org/analisi/la-casa-dove-viaggio-a-roma-fra-le-occupazioni-dei-rifugiati/).

64   Ibid.

Another field site, Baobab, was an informal migrant camp that was set up by a group of volunteers in the summer of 2015 to provide a temporary solution to an estimated 35,000 migrants in transit in Rome that year. The camp was located in a large parking lot near Tiburtina train station. In the past two and a half years, it has been cleared by the local police forces more than 20 times. Thousands of people have passed through the "Baobab Experience," where they would find a makeshift camp with about one hundred tents and shelters and a common area for community gatherings and food distribution. The camp is supported with resources donated by citizens and local organizations who help provide medical care, food, overnight accommodation, and legal assistance. Despite many attempts at dialogue with the local administration in Rome, a more stable and permanent solution has not been found. According to The Guardian newspaper, "many of the people who live there are recently arrived migrants from North Africa who have not been assigned a reception center and have received no linguistic or legal support." Some are returnees to Italy under the Dublin Regulation.[65] The latest location of Baobab visited by researchers, was razed in November 2018 by order of Interior and Deputy Prime Minister Matteo Salvini.[66] The operation was carried out despite the fact that there were no alternative places to house the evicted migrants.

During fieldwork, researchers did not observe government officials collecting identity data or using technology to track migrants at Selam Palace, Baobab, or the other informal camps visited. However, a number of NGOs were collecting identity data in the course of providing services like legal aid, medical care, and language classes.

65   Busby, Mattha and Dotto, Carlotta. 2018. "'I love Rome, but Rome doesn't love us': the city's new migrant crisis." *The Guardian,* Feb. 19, 2018. https://www.theguardian.com/cities/2018/feb/19/rome-italy-migrant-crisis-squatting-emergency-shelters-asylum-seekers.

66   InfoMigrants. 2018. "Police evict migrants from Baobab center in Rome." Nov. 14, 2018. http://www.infomigrants.net/en/post/13312/police-evict-migrants-from-baobab-center-in-rome.

## NOTE ON MOBILES AND SOCIAL MEDIA

While the use of mobile devices and social media by migrants and refugees was not a focal point in this research, researchers noted potential risks of data collection by the private tech sector on a vulnerable population they know little about. Prior studies have demonstrated that mobile phones and social media are tools that are integral to the migration journey itself.[67] Some migrants[68] told us that the internet was not publicly available in their home country; another migrant said she never had a mobile phone back home. Yet most felt their phones were essential now.[69] Other quantitative studies have demonstrated that gender plays a significant role in mobile phone ownership and usage.[70] Studies have also shown that refugees care about privacy when using digital and mobile devices.[71] One man said he would not use Facebook back home for fear of being watched and persecuted.[72] However, once arriving in Italy, we were told that migrants either start or continue using social media, with most individuals we observed having access to a smartphone.[73]

Social media is used by migrants for:[74] communicating with family, friends, and others in their social network both in their home country and in Italy; getting news about the situation in their country of origin; sometimes communicating with a lawyer or with an organization offering services. WhatsApp seemed to be the communication channel of choice. In one example, a young man was deeply worried about not being allowed to work after several months, and he revealed that his family was regularly asking him via social media to send money that he did not have based on the imagined expectation that Italy would help improve their economic condition.

For some interviewees, there appears to be a mistrust of Facebook that results in the use of fake names or the avoidance of sharing pictures, both from people that have used the platform before starting their journey and from people who have started used it after their arrival in Italy. Some interviews suggested that this mistrust was less about Facebook's corporate surveillance, but that governments hostile to migrants or authoritarian governments in their home country could use Facebook to surveille. One respondent who uses Facebook and limits the amount of personal information she shares on the site said she knows it is a risk to use it, but asks "How would you do without it?"

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67    Latonero, Mark & Kift, Paula. 2018. "On Digital Passageways and Borders – Refugees and the New Infrastructure for Movement and Control." *Social Media + Society*, vol. 4, issue 1.; Zijlstra, Judith & van Liempt, Ilse. 2017. "Smart(phone) travelling: understanding the use and impact of mobile technology on irregular migration journeys." *Int. J. Migration and Border Studies*, vol. 3, nos. 2/3. https://www.ris.uu.nl/ws/files/27630646/IJMBS0302_0304_ZIJLSTRA.pdf; Gillespie, Marie, Osseiran, Souad & Cheesman, Margie. 2018. "Syrian Refugees and the Digital Passage to Europe: Smartphone Infrastructures and Affordances." *Social Media + Society*, vol. 4, issue 1.; *and* Dekker, Rianne, Engbersen, Godfried, Klaver, Jeanine & Vonk, Hanna. 2018. "How Syrian Asylum Migrants Use Social Media Information in Migration Decision-Making." *Social Media + Society*, vol. 4, issue 1.

68    Field interviews.

69    Field interviews.

70    Latonero, Mark, Poole, Danielle, & Berens, Jos. 2018. "Refugee Connectivity." Data & Society. April 5, 2018. https://datasociety.net/output/refugee-connectivity/; *see also*, Maitland, Carleen, *et al*. 2015. "Youth Mobile Phone and Internet Use, January 2015, Za'atari Camp, Mafraq, Jordan." Oct. 19, 2015. Penn State College of Information Sciences and Technology.

71    Ibid

72    Field interview.

73    With the exception of one interviewee who had an "old style" mobile phone.

74    Reasons that are common to refugees in other host countries too. Ibid

# V. FIELD RESEARCH FINDINGS AND THEMES

Field research revealed that in Italy there is a thicket of sociotechnical systems that have implications for migrant and refugee identity. We identified three major thematic areas of concern involved with the data collection from and processing of migrants and refugees in Italy.

- **Bureaucratic bias in identity systems**—this includes concerns about the classification of vulnerable communities and the inconsistent collection of migrants' identity information.

- **Privacy and mistrusted systems**—this includes the difficulties in getting informed consent when collecting migrants' data, as well as migrants' understanding of privacy, the consequences of system avoidance, and the role of trusted intermediaries, such as cultural mediators.[75]

- **Organizational data responsibility**—including how different organizations navigate their own understanding of privacy rights and data security practices.

## THEME 1

## BUREAUCRATIC BIAS IN IDENTITY SYSTEMS

For migrants and refugees entering Italy, identification technologies can complicate existing bureaucratic biases. Researchers saw the impact of identity data collection firsthand during fieldwork when they visited an officially sanctioned refugee camp near the Italian border. This large camp was run by a major international aid organization. However, in the organization's arrangement with the Italian government, the entrance to the camp was controlled by police. Officers would perch at the entry gates to the camp and use digital fingerprint sensors to check all newcomers. Migrants' digital identities,

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75   "A cultural mediator is a person who facilitates mutual understanding between a person or a group of people, the migrant/refugee population for example, and a caregiver, a doctor for example, by interpreting, taking into account cultural elements. S/he can give advice to both parties regarding appropriate cultural behaviors." Translators without Borders. "Field Guide to Humanitarian Interpreting & Cultural Mediation." Last accessed March 3, 2019. https://translatorswithoutborders.org/wp-content/uploads/2017/07/TWB-Guide-to-Humanitarian-Interpreting-and-Cultural-Mediation.pdf.

tracked through their fingerprints, would be checked against a central database, and only those already captured by the system (and who were not flagged as a problem) would be allowed entry. If a migrant was not in the system, they would instead be taken to a local police station for further biometric processing. Some aid workers expressed their concern that police-run data collection at the gates would communicate to refugees that the camp was run by Italian border officials, whereas the camp was technically independent from the government. The international organization did not appear to have a choice whether or not to allow police data collection on their beneficiaries.

Many migrants perceive the very act of biometric data collection as inherently connected to government and law enforcement monitoring—which many have learned to treat with skepticism. During a group interview, participants reflected on their hometown in Eritrea, where being spoken to by the police meant already being suspected guilty of a crime. These cultural attitudes toward authority in the country of origin—especially among migrants fleeing authoritarian and oppressive regimes—are then transposed onto interactions with Italian police. Several migrants expressed concern about giving their ID documents or identity data to police because of the chance that such data would be unfairly used against them. They always seemed aware of the potential harms of interacting with governmental bureaucracy, with fears that government officials might find an arbitrary or politically motivated reason to persecute them, or, more urgently, their relatives back home.

## BUREAUCRATIC HARMS

Even without digital systems, government bureaucracies can result in harms for marginalized populations. Historical research has demonstrated how bureaucratic information systems for sorting and classifying people can implement discriminatory policies. In their study of the sociotechnical systems supporting the apartheid government in South Africa, for instance, scholars Bowker and Star (1999) write:

> **Classification systems are often sites of political and social struggles, but these sites are difficult to approach. Politically and socially charged agendas are often first presented as purely technical and they are difficult even to see. As layers of classification system become enfolded into a working infrastructure, the original political intervention becomes more and more firmly entrenched.**[76]

Today's digital migration management systems classify individuals according to many categories that may seem mundane at first glance: family and surname, age, nationality, etc. Yet these categories can reveal contested issues.[77] Thus, the systems that use identity data to classify individuals along political and economic lines can have lasting

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76  Bowker, G. & Star, S. *Sorting things out: Classification and its consequences*. p. 196. Cambridge: MIT Press, 1999.

77  Privacy International. 2018. "Identity, discrimination, and the challenge of ID." Sept. 17, 2018. https://privacy-international.org/feature/2274/identity-discrimination-and-challenge-id.  Privacy International

effects on their rights and freedoms. An individual classified as an economic migrant fleeing poverty receives far less humanitarian protection and fewer resources than someone classified as a refugee fleeing a conflict zone.

Bureaucratic classification systems have long relied on the collection of identity data and technologies that prove one's identity like ID cards, travel papers, and registration ledgers. According to one NGO interviewed, half of the asylum cases they see, which are started at southern hotspots, have incorrect data about personal identity.[78] In some cases, a simple misspelling of a name can create bureaucratic chaos. The NGO official said that eventually a misnamed migrant might resolve the issue by going to a legal services provider and filing the required paperwork and appeals. Legal service providers said that migrants can be accused of providing false information, which at a minimum slows down what is already a very slow process.[79] With the Italian government's new decree aimed at abolishing humanitarian protection for asylum seekers, any discrepancies with identity data could be used as a reason to reject an asylum request altogether.[80]

Once in Italy, lacking a fixed address can present serious challenges for migrants with hopes of economic and social integration. Researchers were informed that even for those who are officially classified as refugees by the Italian government, many are still required to have an official address in order to access social services like medical care or to apply for a job or housing. But the informal settlements researchers visited are not recognized as legitimate domiciles and thus cannot be used on bureaucratic forms. We heard from residents at one settlement that they could not use the building address to apply for a job, let alone attain one, creating a deep cycle of disempowerment and frustration.

Other bureaucratic harms result from circumstances in transit or in migrants' countries of origin. When migrants travel without a certified proof of identity it causes significant problems when they are being initially categorized by the Italian government.[81] To launch a claim for asylum, migrants need to prove their country of origin and state why they are persecuted. Yet for many of the migrants who spend many months or years in Libya waiting to cross the Mediterranean, their passports or papers have already been taken from them by a variety of exploiters and human smugglers. There are clear deficiencies in a system that depends on legally recognized ID certificates in the form of paper documents that are easily stolen, lost, or destroyed and also difficult to replace once inside the EU. It is here where the promises of technology, through digitally-encrypted, decentralized ledgers, for example, may seem like a tempting solution. Yet any technological intervention in sociotechnical systems already rife with problems can amplify existing biases.

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78   Field interview.

79   Field interview.

80   Giuffrida, Angela. 2018. "Italian government approves Salvini bill targeting migrants." *The Guardian,* Sept. 24, 2018. https://www.theguardian.com/world/2018/sep/24/italian-government-approves-bill-anti-migrant-measures-matteo-salvini.

81   Field interview.

## TECHNOLOGICAL AMPLIFICATION

Migrants often face crippling bureaucratic problems because of the most basic identity data. We interviewed one respondent who provides legal assistance to migrants, who once again described bureaucratic issues related to names: first and last names are swapped, changed, or are incorrectly written down on arrival. This has many historical antecedents, such as at Ellis Island, where an American official might have given a common Anglicized name to a migrant whose name he could not pronounce. Yet in the digital era, the conflict around names has become even sharper. If a migrant's name taken at one point does not match an official database entry made earlier, this error can cause a number of harms. Researchers heard about a case where officials even threatened to take away a child from her biological parents because their last names did not have an exact match.

One might call it a "rule" of databases that they demand exactly defined categories, which are inflexible to even minor variations of inputs. Digital identity management systems might seem to offer a more efficient method of management, but the reliance on databases can make an already flawed process more rigid, limiting its adaptability to new information or unforeseen situations.[82] One might think that putting a "human in the loop," or ensuring a human is involved in a computer system, is a way to catch or remedy potential mistakes. Yet in Italy, or any country with an enormously complex bureaucracy, individuals need to rely on a parallel informal system; an Italian citizen might find a solution to a bureaucratic impasse by using a loose network of friends, relatives, or those in power to resolve the issue. Migrants are excluded from these networks of power and privilege, and instead get one shot at data entry in a database. Any tech system for digital identity is no match for more entrenched, socially-ingrained systems for repairing mistakes. Simply putting more Italian officials into the loop would not fix this problem, and in fact might make it worse for any non-Italian migrant who occupies an "outsider" position.

A main issue of identification lamented by most organizations,[83] and even some migrants[84] who were interviewed, is a fragmentation of migration data and the lack of a central, organized system. Multiple organizations collecting data for just as many database systems create different identity profiles with more chances for mistakes or variations for the same individual. This creates delays or bureaucratic and legal impasses. One interviewee explained that due to a discrepancy on his ID documents, he was forced to go to the consulate of the very country he was fleeing to get new paperwork. He could not overstate how dangerous it was to be forced to enter the consulate for fear of retribution and physical harm to him or his family back home. One organization said that having one identification system could streamline the process; however, there was no available evidence how such as system would work, who would have access to it, and whether it could exacerbate existing biases or risks.

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82   Aneesh, A. 2006. *Virtual Migration: The Programming of Globalization*. Durham: Duke. (discussing the concept of "algocracy").

83   Field interviews.

84   Field interviews.

## LOSING TRACK

If Italy, or any European government, wanted to track migrants, it would find ready and comprehensive digital tools to do so. The Eurodac system, in addition to social media and mobile phones monitoring, [85] are collecting ample PII and DII that can be used to identify individuals and groups and classify their behaviors. However, field observations and interviews did not indicate that biometric technology, while used widely by Italian government agencies like border control and national police, was currently deployed for the widespread digital surveillance of migrants by the State. While numerous demands to collect identity data seem to be driven by a dysfunctional and convoluted bureaucratic system, some organizations suggested a more deliberately repressive reason.

One NGO providing legal services explained, "Maybe you're overestimating the [Italian] government's desire to track migrants. Actually, the government pushes them away. There are very few deportations, in practice, and the ones that happen appear to be random. This is to create fear—apparently the government is hoping they will give up and leave."[86] According to other lawyers interviewed in this study, the inefficiencies of the government data system may result in the government intentionally ignoring or losing track of migrants such that these migrants are not afforded the protections they may need or are compelled to leave the country. One interview with an international human rights organization expressed an urgent need to keep track of migrants, especially unaccompanied minors, traveling between Libya and Italy.

> Interview from the Field
>
> **Some NGO staff felt the quality of government services was kept low to discourage asylum seekers, to lose hope and leave the system. "They do it on purpose."**
>
> —Non-profit Worker

Field interviews suggested that the methods of data collection by the government were inconsistent—digital fingerprints upon entry to the country were always taken, yet when some migrants were evicted from informal camps no identity data was collected. Interviews with organizations suggested that the sum of these inconsistent data collection efforts can have Kafkaesque consequences. The government may ignore migrants if they want to transit through Italy and leave for western Europe. But if a migrant intends to stay and apply for asylum in Italy, they are required to conform to the strict identity categories of the bureaucracy. For a number of migrants, many of the actions and

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85   Meaker, Morgan. 2018. "Europe is using smartphone data as a weapon to deport refugees." *Wired*, July 2, 2018. https://www.wired.co.uk/article/europe-immigration-refugees-smartphone-metadata-deportations; Toor, Amar. 2017. "Germany moves to seize phone and laptop data from people seeking asylum." *The Verge*, March 3, 2017. https://www.theverge.com/2017/3/3/14803852/germany-refugee-phone-data-law-privacy; Peters, Adele. 2017. "This App Helps Refugees Get Bank Accounts By Giving Them A Digital Identity." *Fast Company*, April 10, 2017.  https://www.fastcompany.com/40403583/this-app-helps-refugees-get-bank-accounts-by-giving-them-a-digital-identity.

86   Field interview.

data requirements of officials across sectors (government, international organizations, local NGOs) felt arbitrary and confusing.

Some organizations suggested that a more efficient system might eliminate the practice of asking for the same information repeatedly and would allow different service providers to connect with each other and share information—particularly for migrants on the move. While Italy has created a national digital identity system for its own citizens,[87] one respondent said that the government seemed to be struggling to employ a high degree of digitization of information across public services.[88] At the same time, developing a robust digital identity system in the current context could reinforce existing structural biases, inequities, and discriminatory policies. The consequences of deploying such a system would be the efficient implementation of laws and policies that may infringe on the fundamental rights of migrants. A potential solution to this double-bind is to focus on implementing safeguards in proposed systems such as embedding human rights protections like privacy designs and redress mechanisms. Yet, unless systemic biases and asymmetries between migrants and more powerful institutions are addressed, technological interventions should follow a precautionary approach.



## THEME 2

# PRIVACY AND MISTRUSTED SYSTEMS

For migrants and refugees, the moments after they arrive in Italy can challenge their ability to give meaningful informed consent about identity data collection. While many institutions require informed consent protocols, the lived reality on the ground is often far from the ideal. During interviews, it was rare for migrants to say they knew about the kinds of information that would be asked of them when they arrived in Italy.[89] Interviewees recalled being in a mixed state of distress from the trip and relief that they were "saved," when their fingerprints and basic personal information were first collected. In that moment, some said they would have done whatever was asked of them. The process, these interviews suggest, can be carried out in a way that is felt as coercion and abuse of privacy.[90] According to one migrant:

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87 Agenzie per l'Italia Digitale. "SPID - Public Digital Identity System." Accessed Jan. 27, 2019. https://www. agid.gov.it/en/platforms/spid.

88 Field interview.

89 Field interviews.

90 de Bellis, Matteo. 2016. "Turning up the heat on refugees and migrants." Amnesty International. Nov. 3, 2016. https://www.amnesty.org/en/latest/news/2016/11/turning-up-the-heat-on-refugees-and-migrants/; Jona, Ludovica. 2018. "Migrations, Brussels: fingerprints taken by force even for children of 6 years." Repubblica.

> **"I didn't want to give my information because I didn't have a choice. If they asked me, if they had explained why, then it would have been my choice, and I would have given it."[91]**

When researchers asked migrants what they thought about giving their data to border officials upon arrival from sea, one interviewee said:

> **"You are still inside of the water. They just saved your life…at the moment we thought we were happy and saved but did not know what was happening…later, if you had known, you would have gone somewhere else."[92]**

Even if Eurodac fingerprinting is mandatory,[93] migrants have a right to know why their information is collected and with what consequences.[94] Skipping this step raises concerns about protecting human rights, particularly since agencies such as Frontex are obligated to uphold dignity in keeping with the Charter of Fundamental Rights of the European Union.[95] Fingerprinting aside, researchers found that for migrants, a clear explanation of informed consent for any kind of data collection remains a system-wide challenge.

Interview from the Field
• • • • • • • • • • • • • •

**"There is no saying 'no' to fingerprinting upon arrival."**

–Cultural Mediator

## PRIVACY AND INFORMED CONSENT

Privacy is a fundamental human right linked to data protection and is also a vehicle for the enjoyment of rights such as the freedoms of expression and association. In this study, there was a disconnect between formal definitions of privacy and how privacy was perceived by migrants in their everyday lives. During interviews in informal camps and other locations, when questions about privacy were being interpreted between

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March 13, 2018. https://translate.google.it/translate?hl=en&sl=it&u=http://www.repubblica.it/solidarieta/immigrazione/2018/03/31/news/migrazioni_bruxelles_impronte_digitali_prese_con_la_forza_anche_ai_bimbi_di_6_anni-192691041/&prev=search.

91    Field interview.

92    Field interview.

93    *See*, EURODAC regulation. However, L. Schiemichen in her essay contents "Refugees can also refuse to give their fingerprints and, according to the 1951 Convention Relating to the Status of Refugees, cannot be denied entry for this reason alone." Schiemichen, Laura. 2018. "Emerging ID Technology Helps Refugees, at a Cost to Privacy." Kennedy School Review. March 27, 2018. http://ksr.hkspublications.org/2018/03/27/emerging-id-technology-helps-refugees-at-a-cost-to-privacy/.

94    European Union Agency for Fundamental Rights. 2018. "Under watchful eyes – biometrics, EU IT systems and fundamental rights." March 2018. http://fra.europa.eu/en/publication/2018/biometrics-rights-protection.

95    "Charter of Fundamental Rights of the European Union." EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT.

English and languages such as Tigrinya, researchers sensed that the term "privacy" remained too abstract to ensure a mutual understanding. In these instances, the interview questions were coupled with examples and explanations of privacy, via cultural mediators, to help translate the concept. While explaining through analogies might bias the findings, the responses indicated that migrants have a clear idea of the information they want to keep private (often information about family, as well as photographs and videos of themselves) and exhibit a concern over sharing information that could harm them. In short, migrants care about privacy.[96]

> Interview from the Field
>
> "Migrants who seek out legal aid sign privacy disclosures without encouragement but hold back information until the lawyers build trust."
>
> –Legal Aid Worker

Of course, "privacy" means different things to different people and depends on contextual and sociocultural norms. Interviews demonstrated that Western conceptions about individual privacy of personally identifiable information were not foremost in the minds of respondents. Respondents had clear ideas about privacy when classically defined as "the right to be left alone."[97]  In one informal camp, migrants stated that one of the rules was that no photographs could be taken of the residents. The reason did not seem to be that they could be personally identified but that they disliked the way the photos were exploited for politics, money-making, messaging, and other purposes. Journalists taking photos for their publications were singled out in particular. The camp residents seemed more concerned about their collective group right to be left alone than their individual privacy.

When the research team asked what kind of information was too personal to share, some interviewees said they would talk about themselves, but would not want to talk about their family. Another respondent[98] said she would not want to share bad experiences from her journey, such as abuse or mistreatment.[99] These stories, which may have involved physical and psychological trauma, were too sensitive to share with strangers. However, sharing this kind of information to governmental officials could affect asylum requests, especially in a case of abuse in origin, transit, or destination countries. Interviewed migrants also exhibited different levels of comfort when asked about what kind of information they would keep to themselves, information they would

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96   This finding is supported by extant literature: Shonemaker and Currion (2018) and Latonero, Poole, and Berens (2018).

97   Warren, Samuel D. & Brandeis, Louis D. 1890. "The Right to Privacy." *Harvard Law Review*, vol. 4, no. 5., pp. 193-220. Dec. 15, 1890.

98   Field interview.

99   For further reading on trauma and refugee disclosure, *see* Wylie, Lloy, Van Meyel, Rita, et al. 2018. "Assessing trauma in a transcultural context: challenges in mental health care with immigrants and refugees." *Public Health Rev*. 39: 22. August 22, 2018. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6103972/; *and* van Os, E. C. C. (Carla); Zijlstra, A. E. (Elianne), et al. 218. "Finding Keys: A Systematic Review of Barriers and Facilitators for Refugee Children's Disclosure of Their Life Stories." *Trauma, Violence, & Abuse*. February 20, 2018, https://journals.sagepub.com/doi/full/10.1177/1524838018757748.

only give to the police or in the asylum interview, or information reserved for friends or trusted people. Migrants used WhatsApp and Facebook to engage in conversations with friends about a variety of topics ranging from the mundane to the personal. Though, in several instances, migrants expressed a concern about government surveillance and tracking of social media and messaging apps.

The research team's observations suggest that there is a lack of meaningful informed consent in the collection of information from migrants and refugees. One problem is that migrants may not understand the legal definitions of privacy and privacy disclosures found in informed consent agreements from government officials, international organizations, and NGOs. Of course, a lack of understanding of legal terms and conditions is commonplace and not unique to migrants. Yet, migrants may not be truly giving meaningful consent due to cultural differences, knowledge gaps, or power inequalities. In the course of interviews for this study, researchers sometimes failed to reach an understanding about the informed consent protocols with potential participants. For example, during an interview, researchers explained they were from a non-profit organization and that all information would be kept confidential. After informed consent was obtained and an interview was well underway, a participant might ask if we were representing UN asylum officials or if what they said would be shared with the police.

In other cases, interviewees said that no one provided them with explanations of requests for personal data. As reported by Amnesty International, a lack of consent can escalate to the use of force to identify a migrant.[100] Consent is blurry and problems with it are "inevitable," said staff at organizations.[101] In many interviews, migrants exhibited a sense of resignation to giving up data when it was requested in order to access services and get into a system that can provide support.[102] One aid organization explained how migrants develop "fatigue" from being asked for their information repeatedly by so many different actors and entities.

## SYSTEM AVOIDANCE

The concept of system avoidance, according to the sociologist Sarah Brayne, "denotes the practice of individuals avoiding institutions that keep formal records," which "suggests that individuals wary of surveillance may deliberately and systematically avoid institutional contact that puts them 'in the system,' because of the prospect they will come

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100  de Bellis, Matteo. 2016. "Turning up the heat on refugees and migrants." Amnesty International. November 3, 2016. https://www.amnesty.org/en/latest/news/2016/11/turning-up-the-heat-on-refugees-and-migrants/.

101  Field interview.

102  Eubanks reports on similar resignations to give up data for services among welfare recipients in the United States, suggesting that this may be a common to migrants and in situations of socioeconomic precarity. Eubanks, Virginia. 2018. *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*. New York: St. Martin's Press

under heightened surveillance, thus increasing their risk of detection by authorities."[103] Examples of such institutions include hospitals and banks. Understanding system avoidance due to identity data collection is necessary in order to recognize the full range of consequences for migrants and refugees.

Researchers observed situations in which migrants avoided being identified, even at the expense of receiving services. Recall the police who check fingerprints at the entrance of the humanitarian aid camp at the border, sending un-registered people to Questura (local police headquarters) for processing. According to a mediator, a migrant may avoid such a camp because officials were scanning fingerprints, even if the camp offered shelter, clothing, and food.[104] An NGO worker reported that since 2016 the implementation of the Dublin Regulation in Italy has become much stricter, and almost everyone arriving in Italy gets fingerprinted.[105] With all migrants already in the system, this should have made the police "barrier" at the entrance of the camp less needed, said the aid worker. However, local operators of various NGOs reported that many migrants (mistakenly) consider fingerprint identification at the camp a "double registration"—something they believed would tie them even more to remaining in Italy. One migrant was concerned that the number of times they are fingerprinted might count against them in some way. Another interviewee explained that this is where the trust local organizations have built helps inform people of their ability to come and go as they choose. Outside of the official reception centers, migrants might also choose to avoid other support centers set up by NGOs if they feel they are being asked too many questions.[106]

An interview with an NGO worker[107] suggested that those residing in official reception centers do not have issues with giving their information because they either already decided to stay or apply for asylum in Italy. Outside of the official centers, some migrants do not wish to remain and therefore have a greater fear of being tracked while in the country. As a consequence, once migrants leave an official center and stay away to avoid being tracked, they lose access to services or aid.

Note from the Field
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**A legal aid organization found migrants open to sharing their data once they realized the organization could help find a solution to their predicament.**

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103  Brayne, Sarah. 2014. "Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment." *American Sociological Review*, 1-25. 2014. https://journals.sagepub.com/doi/10.1177/0003122414530398.

104  Field interview.

105  Field interview.

106  Field interviews; *see also* Intersos. 2018. "Unaccompanied and separated children along Italy's northern borders." February 2018. https://www.intersos.org/en/new-report-uasc-along-italys-northern-border/.

107  Field interview.

Migrants without documents or with expired documents have limited access to certain public services[108] and might also refrain from accessing them for fear of being reported to the police. For example, one migrant showed us his expired Italian residence permit, which meant that his social security card had also expired. He explained he had not seen a doctor since the expiration of his legal ID token and seemed uncertain if seeing a doctor would expose his lack of residence status.[109] There was general confusion about what data is used for what purpose and how such data collection may harm or help migrants. A medical clinic might say, for example, that their data collection is for their purposes for treatment only and not (intentionally) shared with government officials. This underscores the importance for organizations to find better ways to explain the purposes of identity data collection, perhaps using plain language and visual representation.

> **Note from the Field**
> • • • • • • • • • • • •
> **Cultural mediators described the immense pressure families who spent money to help relatives reach Europe can exert, creating a feeling they must do what is necessary to work and send money back.**

## TRUSTED INTERMEDIARIES AND THE ROLE OF CULTURAL MEDIATORS

During fieldwork, researchers learned that many migrants' experiences of data collection hinge on the actions of trusted intermediaries, specifically those that work as "cultural mediators." A cultural mediator occupies a special role for many UN, NGOs, and other organizations and is defined as "a profession whose main objective is to facilitate the relations between natives and foreign people, in order to promote knowledge and reciprocal understanding, to enhance positive relations between people with different backgrounds."[110] Cultural mediators, along with doctors, lawyers, and some international organizations like the International Committee of the Red Cross (ICRC), can be seen as "a friendly face" in a context that is highly confusing.

Cultural mediators provide a type of assistance different from that of interpreters or other trusted sources of information. Not only are mediators often utilized as interpreters, they are able to provide advice and context specific to the culture of the foreign people they are working with. Additionally, they may be able to perform liaison roles with such communities. Their advice can be of use to both parties, however; cultural mediators can advise government, NGO, and other workers to improve cultural

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108  *See*, *e.g.*, on migrants' access to health care, Médecins Sans Frontières. 2018. "Out of sight. 2nd edition." Feb. 8, 2018. https://www.msf.org/sites/msf.org/files/2018-06/out_of_sight_def.pdf.

109  Field interview.

110  "Cultural Mediation and volunteering to assist refugee arrivals." Discussion paper. November 23-25, 2016 http://resettlement.eu/sites/icmc.tttp.eu/files/Cultural%20Mediation%20Discussion%20paper.pdf

understanding.[111] The cultural mediators who worked with researchers for this project had exceedingly high levels of language skills, cross-cultural competence, local knowledge, and extensive social networks in Italy. They were in high demand professionally, organizing their busy work schedule with multiple organizations that requested their time on various projects daily. Some mediators are migrants who seem to have fully integrated into Italian society.

One mediator interviewed for this report suggested that for people to benefit from their right to privacy, there first needs to be a common understanding of the word and concept.[112] Privacy could be framed in terms of safety and security for one's self, of being left alone with one's thoughts, or of the ability to express themselves freely to others. Cultural mediators are in a unique position to facilitate this understanding, as they are in between two cultures and are usually in a position of trust, both from migrants and organizations.  For this to happen, however, cultural mediators need to become knowledgeable on privacy and personal data, and organizations need to ensure they are indeed worthy of the mediator's trust. In addition, some cultural mediators may be perceived to be untrustworthy. We heard from more than one respondent that some migrants suspected that cultural mediators had potential ties to their government back home, or were spies, causing the interviewee to either conceal information or to believe that their words were not translated faithfully.

The humanitarian aid community is aware of the importance of cultural mediators and of their growing demand in the humanitarian ecosystem. In line with a call for professionalization for mediators, more resources are being devoted to their upskilling and training. However, perspectives vary on the content of such training and organizations face the reality of scarce resources. One source, for example, suggests looking for mediators among university students and allowing small humanitarian organizations to retain mediators as volunteers. These mediators would also be knowledgeable in fields where their interpretation is needed, such as in education, health, or psychological support.[113] Another initiative, supported by the EU Erasmus+ Programme,[114] aims to build the knowledge of cultural mediators through open online courses. Their curriculum concentrates on "a more comprehensive and inter-disciplinary approach combining social psychology, conflict and crisis management, international law and international studies, inter-cultural communication and mediation, sociology and counseling, among other disciplines."[115] Researchers did not hear of training on data responsibility for mediators,

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111   Translators without Borders. "Field Guide to Humanitarian Interpreting & Cultural Mediation." https://translatorswithoutborders.org/wp-content/uploads/2017/07/TWB-Guide-to-Humanitarian-Interpreting-and-Cultural-Mediation.pdf.

112   Field interview.

113   European Union and the Republic of Turkey. 2016. "Cultural mediation and volunteering to assist refugee arrivals." 2016. http://resettlement.eu/sites/icmc.tttp.eu/files/Cultural%20Mediation%20Discussion%20paper.pdf.

114   European Commission. "Erasmus+." Last visited, Feb. 17, 2019. https://ec.europa.eu/programmes/erasmus-plus/node_en.

115   "ReCULM." Last visited, Feb. 17, 2019. http://www.reculm.eu/.

which might involve data protection, privacy rights, or specific uses for collected data, how data would be processed or stored, etc.

Linguistic scholars Amato and Garwood[116] address the issue of mediators assuming "conversational dominance or proxy roles," leading the conversation or answering on behalf of the migrant during an information exchange, which may limit the agency of migrants. Researchers observed this phenomenon during the field interviews; especially when the topic was unfamiliar to the interviewees and required more explanation, cultural mediators assumed a bigger role than mere interpreter. Not only did mediators expand on explanations, momentarily cutting out the researchers, they also interpreted answers by adding details, providing more context for the researchers but also potentially altering the respondents' answers. In acknowledging the position that cultural mediators occupy, there is an opportunity to improve their practice as a trusted bridge between migrants and other stakeholders. Mediators can help build understanding among migrants and the organizations collecting their data about privacy, informed consent, and data protection.

## THEME 3

# DATA RESPONSIBILITY FOR ORGANIZATIONS

Field research found a need for responsible data policies and practices for all organizations collecting, processing, and storing any type of data linked to migrant or refugee identity.[117] Research indicated that NGOs know that privacy and consent are important but may be overwhelmed by both the volume of migrants who come to them for help and by the frequent lack of support they receive at the public administration level. Many of the organizations interviewed for this report used consent forms when collecting data, though the format and purpose was not always consistent or clear. "Responsible data" is a catchphrase that includes data protection and privacy as well as a "set of principles, processes and tools that seek to leverage data to improve people's lives in a responsible manner."[118]

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116   Amato, Amalia and Garwood, Christopher. 2011. "Cultural mediators in Italy: A new breed of linguists." January 2011. https://www.researchgate.net/publication/288761243_Cultural_mediators_in_Italy_A_new_breed_of_linguists.

117   See using UN OCHA Data Responsibility Guidelines (forthcoming). *See also*, The Engine Room, "Responsible Data." Last accessed March 3, 2019. https://www.theengineroom.org/projects/responsible-data; and International Data Responsibility Group. Leiden University. Last accessed March 3, 2019. https://www.data-responsibility.org/.

118   OCHA. 2016. "Building data responsibility into humanitarian action." Think Brief. May 2016. https://www.unocha.org/publication/policy-briefs-studies/building-data-responsibility-humanitarian-action.

## DATA PROTECTION

A 2018 report from Privacy International and the International Committee of the Red Cross describes the risks that emerge from the humanitarian sector's growing use of digital and mobile technologies, including unauthorized third-party access. The report recommends that organizations improve digital literacy[119] among their staff, volunteers, and the people they serve. It also "recommends a more systematic mapping of who has access to what information in order to anticipate how individuals might be profiled or discriminated against."[120]

Medical and legal professionals usually require highly detailed and accurate personal information and are often required by national law to keep their patient and client information private. In interviews, several professionals in these fields told us that they would only share such information to comply with a court order.[121] Observations made at local NGO offices reveal that such data is often stored in various ways, for instance in a shared Google drive (in the cloud), or on an organization's own local computers or servers. These methods of data storage present risks that range from an external adversary accessing these databases, or perhaps more commonly, for staff or volunteers, who may inadvertently share sensitive information over a digital network or via email.

Interview from the Field

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**"There's been a change in privacy regulation, and we don't know exactly how this will affect us."**

– NGO Worker

Organizations that distribute food, clothing, and other basic needs, stated a need to collect data and statistics on the populations they are helping in order to re-stock supplies and to show donors their impact. One NGO stated that they distributed local identification tokens, such as physical ID cards, which included a full name, date of birth, and a photo of the card holder. The information on these cards is written by hand and does not usually involve tracking whether a migrant has given their real name.[122] In addition, wristbands are used by some aid organizations to identify beneficiaries for services, for example, when receiving daily meals at a shelter. Such analog systems of identity may be linked to a numerical system or digital database where PII is stored, or they can avoid collecting sensitive information.

119  Dunn, Alix. 2018. "Technical Intuition: Instincts in a Digital World." July 21, 2018, https://medium.com/@alix-trot/technical-intuition-instincts-in-a-digital-world-a6bfda669a91.

120  International Committee of the Red Cross. 2018. "Digital trails could endanger people receiving humanitarian aid, ICRC and Privacy International find." Dec. 7, 2018. https://www.icrc.org/en/document/digital-trails-could-endanger-people-receiving-humanitarian-aid-icrc-and-privacy.

121  Field interviews.

122  Field interview.

The type and number of databases for collecting different kinds of personal information is as varied in Italy as the number of organizations supporting migrants. Many organizations use some type of identification system, some digital, some paper, and most of these are related to the provision of services. The official reception system is spread throughout the Italian territory, with each center managed by a non-profit or, at times, for-profit entities under the direction of the regional authorities and connected to the Ministry of Interior. Researchers did not find digital identity solutions like the iris scans that are being experimented with in refugee camps in places like Jordan.[123] The risks in the Italian situation stem from organizations that lack the knowledge to protect the information they collect or, if they possess that knowledge at the headquarters level, lack the ability to implement policy to those working locally.

A number of organizations interviewed did not seem to understand how the database they were using worked, were unsure who could access it, did not have a fair knowledge of privacy and data protection, or were instructed to implement data protection law with little guidance.[124] The exception were organizations providing legal support, which were informed about the law and GDPR. An interviewee from a small NGO at the border explained that their donor was asking about data protection, but he was unsure what to do exactly: "I guess we will let people sign a paper. I'll see also what other organizations are doing."[125] One participant at a large agency claimed that there is "no culture of cybersecurity in Italy"[126] and that there is a need to make the public more aware of the risks of losing control over identity data. Researchers visited one office that assured that their data was secure but had an unsecured Wi-Fi network and was transmitting data via a website that did not use HTTPS or basic security/encryption protocols. Researchers did not find NGOs conducting threat modeling or risks assessments around data protection. When asked "Do you worry about other people getting access to your interview notes [with migrants and refugees]?" one NGO worker responded, "Good question. I've never thought about it." Interest in training and building internal capacity around responsible data was expressed again and again during interviews with NGOs and international organizations. More awareness about data responsibility and capacity to implement best practices would help address these gaps.

123  Currion, Paul. 2018. "The Refugee Identity." March 13, 2018, https://medium.com/caribou-digital/the-refugee-identity-bfc60654229a; Privacy International. 2017. "Biometrics: Friend or foe of privacy?" Sept. 22, 2017. https://www.privacyinternational.org/scoping-paper/24/biometrics-friend-or-foe-privacy.

124  Field interviews.

125  Field interview.

126  Field interview.

# VI. CONCLUSION

Data protection and data responsibility need to be taken seriously by all organizations and actors in the migrant and refugee data ecosystem—from governments, UN organizations, international organizations, and NGOs, to funders, tech companies, journalists, and researchers.

Throughout migrants' journeys to Italy and, perhaps beyond, these individuals have their identity data collected often and repeatedly, for myriad reasons, by groups with diverse interests. Government actors, whether Italian, EU, or otherwise, could implement a well-designed, thorough digital identification system to help migrants integrate into social systems like health care or housing. However, merely making the system of digital identification and data collection more efficient would likely exacerbate existing inequalities and would not solve issues surrounding informed consent by migrants. It would also not address the lack of understanding that data collectors in many organizations have about privacy and security and could leave migrants more susceptible to arbitrary or mistaken decisions about their status. Despite findings from the interviews in this study, it remains unclear how widespread bureaucratic harms are, such as mismatching names in databases, and how they may be mitigated in the future.

NGOs are also a major part of the digital identity ecosystem. The organizations collecting data have a wide variance in data responsibility practices. Before organizations implement consent forms, organizations and authorities need to be clear to migrants and to themselves about what data they are collecting: why they are collecting it, for how long, its use, what precautions they take, etc.[127] In addition, social media and other tech companies are implicated in the data collection of migrants and refugees.

Working towards trusted systems may provide an answer to the dilemma of weighing tradeoffs, risks, and harms. For any digital identity system to work, trust must be attained between both data collectors and data subjects, yet in the case of migrants and refugees, there is good reason for a lack of trust. Some migrants actively avoid interacting with government services due to fears that data collection will enforce policies, which in Italy, are increasingly harsh and discriminatory towards migrants and refugees. Migrants continue to use social media and mobile technologies but also may mistrust data collection by platforms.

In the current political climate in Italy and other EU countries, the addition of new digital identity systems promising the efficient implementation of existing policy is not an adequate response. What is needed instead is a new knowledge base about the realities of bureaucratic and technical harms, the difficulties of maintaining privacy and

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127  International Committee of the Red Cross. 2017. "Handbook on Data Protection in Humanitarian Action." July 2017. https://shop.icrc.org/handbook-on-data-protection-in-humanitarian-action.html?__store=default. "At the time of collecting Personal Data the Humanitarian Organization concerned should determine and set out the specific purpose/s for which data are processed. The specific purpose/s should be explicit and legitimate and could include humanitarian purposes such as distributing humanitarian assistance, restoring family protecting individuals in detention, providing medical assistance, or forensic activities."

obtaining meaningful informed consent, and the challenges of protecting identity data in the ecosystem. Officials and stakeholders can use this knowledge to ensure the proper technical and policy relevant safeguards are in place before digital identity systems are developed and deployed that address migration and refugee management and protect the fundamental rights of vulnerable and marginalized populations.

# VII. FURTHER INQUIRY

Areas for further inquiry include more research into the inner workings of the migration management bureaucracy and the use of technologies to pinpoint both risks and opportunities in the digital ecosystem. Moreover, reframing research from the standpoint of migrant populations would result in a more critical evaluation of agency and autonomy in relation to technological systems. More action-based research could lead to practices of inclusive and participatory design when developing new technologies and polices. Pressing open questions remain:

- What specific bureaucratic processes by the State or large organizations are currently functioning well in ways that protect and uphold the rights of migrants? Starting from this point would help determine if digital identity systems and technologies can then improve these specific processes and provide added benefit for stakeholders. The only functioning system of digital ID we found, Eurodac, results in a system that continually moves people across borders, disempowers migrants, and causes system avoidance.

- From the governmental and institutional perspective, what are the material impacts of bureaucratic bias, what are the major problems in achieving responsible data collection, and what may be some possible solutions that protect the rights of migrants, particularly in a political environment that is increasingly hostile?

- From the migrant and refugee perspective, what are the necessary conditions for a trusted system? Are any systems of trust already in place, and if so, could they be the basis for developing systems to improve in areas such as economic empowerment, social integration, and resilience for migrant communities?

- What changes around digital identity, identification, and identity data can be made at the European policy level? There is a need to resolve government responsibilities around informed consent, privacy, and data protection for migration. Policy makers need a more detailed understanding of the unintended downstream consequences of identity data collection in policies (like Dublin) and the technologies used to enforce such policies (like Eurodac) particularly in relation to the GDPR. With UN and similar organizations asserting their immunity to the GDPR, what does this mean for intersecting systems of governmental and intergovernmental data collection and protection? How can migration management systems be developed with greater mechanisms for redress and accountability?

- How can organizations integrate data protection and responsibility in all aspects of their organization, find ways to meaningfully establish trust in the collection of identity data, and communicate informed consent and privacy rights in a way migrants and refugees can understand? Are visual consent forms more useful than legal documentation? What mechanism can be established so organizations can share templates and methods about how to explain data issues to migrants and data subjects (not just templates for documents to help avoid liability, which is the direction many organizations are currently headed)?

- What will be the impact of emerging machine learning algorithms and AI systems that are being developed for digital identity?

# VIII. STAKEHOLDER RECOMMENDATIONS

- Stakeholders, particularly civil society, should be attuned to issues of digital identity and migrant identity data collection and closely monitor any development of digital identity systems by government, international organizations, corporations, or NGOs, either in Italy or in their respective countries. Civil society should advocate for the protection of fundamental rights and the need to create mechanisms for remedy and redress in existing or future digital identity systems.

- The NGO community should build internal capacity for more training and support for better data protection and data responsibility practices and policies.

- Foundations and funders should play a leadership role in providing support and capacity building and training for implementing data protection, data responsibility, and informed consent practices for their grantees. Funders should re-evaluate all requirements and expectations for organizations that collect, process, and share identity data on migrants and refugees. Donors should consider providing specific funding for improvement and maintenance of processes and tools that ensure safe and dignified data collection. A technical audit and analysis of data vulnerabilities and security, as well as a human rights impact assessment, should be undertaken and funded for organizations seeking to develop or deploy any technology in the migration data ecosystem.

- Organizations employing cultural mediators should provide training and guidance on data protection, privacy, and informed consent. Guidelines and regulations around trust relative to the profession of cultural mediators should be set at an international and national level, which would contribute to the professionalization of the field.

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