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INTRODUCTION

NIPNLG’s *Immigrants, Surveillance, and Technology Newsletter* collects and organizes surveillance and enforcement information that impacts immigrants.

This edition examines new policies from the Department of Homeland Security (DHS) focused on the interior. We also include a shorter section on social media collection at the border, as the Administration has announced major new initiatives. Topics in this issue include:

- DHS’s use of technology companies that sell products and services related to immigrant surveillance and social media collection
- Advocacy efforts to limit the expansion of surveillance technologies and create accountability
- Meetings and events on biometric and surveillance technologies and legal developments

ADVOCACY UPDATES

California Cities and Counties Limit Use of Surveillance Technology

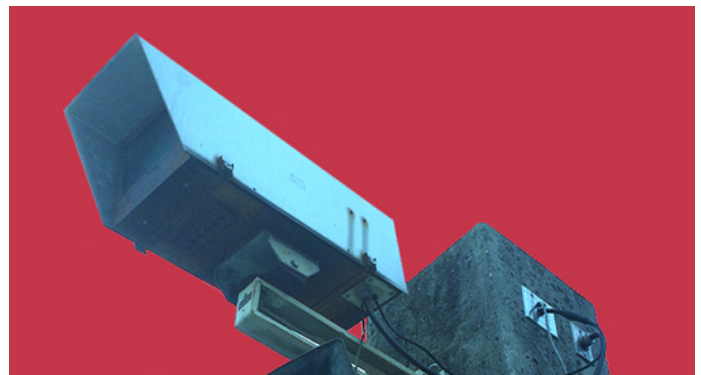
Several cities and counties in California are limiting the use of surveillance technologies against their residents. For example, a Berkeley city ordinance now requires that their City Council approve the use of surveillance cameras, license-plate readers and cellphone trackers; and that their use be subject to citizen oversight. Oakland, Berkeley, and Davis have passed similar ordinances. These policies could curtail DHS attempts to collect license plate information.

Electronic Frontier Foundation was involved in these efforts: https://motherboard.vice.com/en_us/article/ne98nb/oakland-proposes-strongest-anti-surveillance-regulations-in-the-country

Legislation available here: <https://oakland.legistar.com/LegislationDetail.aspx?ID=3034026&GUID=F0BB8485-CDFA-40F9-B9B3-1E9B-58C8AA73&Options=&Search=>

A state bill has been introduced following the model in Oakland: <http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-may-2018-surveillance-bill-could-push-other-1525469334-htlmstory.html>

However, the San Pablo police department elected to expand surveillance technology. Community members and the ACLU met with the police department and the surveillance contractor, Vigilant Solutions. <http://richmondstandard.com/2018/04/19/san-pablo-surveillance-expansion-project-approved/>



Civil and Immigrants' Rights Organizations Defeat New Orleans' Mayor's \$40 Million Surveillance Plan

In March 2018, as a result of months of organizing by human rights groups, a proposal to expand the number of surveillance cameras and connect them to a city wide monitoring system was withdrawn by the City Council member sponsor. Groups such as the New Orleans Workers Center for Racial Justice, Congress of Day Laborers, BreakOUT!, ACLU, and many others halted the initiative. http://www.theadvocate.com/new_orleans/news/article_5642b378-1b45-11e8-8ee9-cb4e0960ff74.html



The City of New Orleans Cancels its Palantir Contract

In March 2018, the city of New Orleans, which has one of the strongest immigration detainer policies in the country, elected to end its contract with Palantir for a predictive policing program. The discovery of this contract was a surprise to residents who had assumed all New Orleans' policing programs were subject to oversight by a consent decree. Moreover, the city of New Orleans has robust policies limiting the reach of ICE in the city. <https://www.theverge.com/2018/3/15/17126174/new-orleans-palantir-predictive-policing-program-end>

CASES INVOLVING DHS USE OF TECHNOLOGY AGAINST IMMIGRANTS, AND OTHER CASES OF INTEREST

Lawsuits Filed on Behalf of Immigrants' Rights Activists Facing Retaliation from ICE

ICE placed Maru Mora-Villalpando, a prominent anti-ICE organizer, into removal proceedings for her robust anti-ICE activism. Determined advocacy by Mora-Villalpando's community defense team guided by Northwest Detention Center Resistance, Latino Advocacy, and Mijente uncovered that ICE learned about Mora-Villalpando through the press, investigated her through local Washington state agencies, and may have even chosen to target her because she is active

in protests. NIPNLG and a local attorney filed to terminate her removal proceedings and also filed a FOIA lawsuit against ICE and Customs and Border Protection (CBP) to learn more about surveillance and investigation tactics by ICE. Mora-Villalpando's targeting follows a series of high profile arrests and removals of well-known activists around the country, including Ravi Ragbir in New York, Alejandra Pablo-Espriu in Arizona, Jean Montrevil, and many others. Additionally, the US is prosecuting Tucson "No More Deaths" activists for leaving life-saving water in the desert for migrants. <https://crosscut.com/2018/03/activist-maru-mora-villalpando-takes-immigration-case-her-own>

Immigration Court filing for Maru Mora-Villalpando: http://www.nationalimmigrationproject.org/PDFs/practitioners/our_lit/impact_litigation/2018_12Mar_mtt-mora-villalpando.pdf

Ravi Ragbir announces that a federal judge dismisses his preliminary injunction complaint: https://www.democracynow.org/2018/5/25/federal_judge_rules_ravi_ragbir_who



FOIA Lawsuit against Palantir

On December 15, 2017, the Electronic Privacy Information Center (EPIC) filed a lawsuit to learn more about the company's role in ICE case management systems and enforcement databases.

Palantir has become a worldwide dealer of database information and sharing systems. Their programs called "Gotham" and "Metropolis" have already been sold to New Orleans, Los Angeles, Chicago and several federal agencies, including the Department of Defense, DHS and the CIA. <https://epic.org/2017/12/epic-foia---epic-sues-for-deta.html>

Facebook and Google are Fighting an Illinois Privacy Law that Limits Biometric Collection, One of the Strongest in the Nation

In May 2018, a district court in Northern California ruled against Facebook for violating Illinois' Biometric Information Privacy Act (BIPA) protecting residents' biometric information, such as data from facial, fingerprint and iris scans. BIPA requires written releases from people before they can collect biometric data and the law sets monetary fines for violations. BIPA allows consumers to

file suits themselves and is viewed as one of the strongest privacy laws in the US. Facebook and Google are now attempting to eliminate this statute to halt the dozens of lawsuits being filed. Facebook is moving quickly to appeal those cases. As Facebook enforcement profiling becomes more prominent in immigration enforcement, BIPA may become increasingly important.

<http://www.chicagotribune.com/business/ct-biz-face-book-tagging-privacy-lawsuit-20180417-story.html>

<https://www.theverge.com/2018/4/10/17218756/facebook-biometric-privacy-lobbying-bipa-illinois>

Social Media FOIA

ACLU filed a massive FOIA request to obtain information and records about the use and maintenance of social media by seven federal agencies, including DHS and DOJ.

<https://www.msn.com/en-us/news/us/aclu-demands-records-of-social-media-surveillance-under-trump/ar-AAxKGgsx>

DHS and FBI Surveilled Black Activists

The Center for Constitutional Rights (CCR) and Color of Change released documents obtained through FOIA showing that DHS and the FBI surveilled black activists, primarily people in Black Lives Matter groups, whom they labeled, “black identity extremists.” Although immigrants were not the targets of this surveillance, DHS helmed the social media monitoring of black activists and other allies and protesters working with them. CCR and Color of Change now seek the “Race Paper,” a document purporting to spell out the scope and scale of the surveillance of black activists.

<https://ccrjustice.org/sites/default/files/attach/2018/03/COC%20FOIA%20-%20Full%20Briefing%20Guide%20Final.pdf>

GANG ENFORCEMENT AND ADVOCACY UPDATES

Groups Launch Campaign against Chicago Gang Database

BYP100, Organized Communities Against Deportation and Mijente launched “Campaign to End the Chicago Gang Database” that is part of the at Expanded Sanctuary Campaign in Chicago. The gang database has come under significant criticism for its over-profiling of Black and Latino men.

<http://www.erasethedatabase.com>

Federal Court Stops DHS from Terminating DACA based on Alleged Gang Affiliation

In 2017, ICE arrested and detained Daniel Ramirez Medina, a DACA recipient, alleging he was in a gang. Public Counsel, prominent law professors, NWIRP and others filed to enjoin ICE from removing his DACA benefits. Throughout the federal court hearings, ICE could not produce evidence of gang affiliation. A federal judge granted Mr. Medina’s preliminary injunction ordering that DHS cannot divest Mr. Medina of DACA. This case is relevant because DHS often relies on state and federal databases to accuse immigrants of being in gangs.

<https://slate.com/news-and-politics/2018/05/federal-judge-accused-ice-of-making-up-evidence-to-prove-that-dreamer-was-gang-affiliated.html>

Case developments:

<https://www.clearinghouse.net/detail.php?id=15649>

DHS Describes Information Sharing Efforts with Local Law Enforcement and International Governments for Gang Strategy

In January 2018, ICE Homeland Security Investigations International Operations Assistant Director Raymond Villanueva testified to Congress about information sharing and resource allocations in a hearing titled “Combating Transnational Gangs Through Information Sharing.” This testimony describes task forces, areas of operations, and databases used in gang enforcement internationally and domestically. Specifically, he describes an ICE program, “BITMAP,” that allows other governments to collect biometric data on individuals they encounter. This information is shared with U.S. law enforcement.

<https://www.dhs.gov/news/2018/01/18/written-testimony-ice-house-homeland-security-subcommittee-counter-terrorism-and>

ENFORCEMENT UPDATES

Congress Demands Information about DHS’ Collection of License Plate Reader Information

Congress has demanded information from DHS on their contract with Vigilant Solutions. Several months ago it was discovered that DHS hired Vigilant Solutions to collect license plate reader information and make it accessible to the agency.

<https://oversight.house.gov/wp-content/uploads/2018/03/2018-03-08-Hurd-Kelly-to-Honan-ICE-License-Plate-Reader-Database-Agree....pdf>

ICE Contracts with Thomson Reuters for Five Years to Scan “Criminal Alien” Information

According to the \$7million solicitation, “[t]his contract will provide data services to conduct customized analysis, screening and monitoring of ICE priority criminal alien information to the Targeting Operations Division (TOD).”

The contract also provides a list of other industry competitors for the project, such as Booz Hamilton and LexisNexis.

https://www.fbo.gov/index.php?s=opportunity&mode=form&tab=core&id=71911de5fa638ed0a391f01f520c0e2a&_cview=0

DHS Agencies Hire more Contractors to Create and Implement Plan to Hire More DHS Agents

ICE was soliciting private contractors to hire additional personnel, but will renew their solicitation in the first quarter of 2019. CBP has already paid Accenture \$297 million dollars to hire 5,000 more CBP agents.

<https://www.hstoday.us/federal-pages/dhs/ice/ice-offers-pay-per-hire-contract-to-add-16000-employees/>

https://www.fbo.gov/index.php?s=opportunity&mode=form&tab=core&id=315a4154e5ec2cf10127e3ba28c0a1ef&_cview=0

ICE Agents use Facebook to Catch a Criminal Suspect

This case did not involve an immigrant, but does provide some background on how ICE agents may utilize Facebook in immigration cases. Facebook claims that it does not automatically provide data to ICE; however, Facebook profile information is often publicly available. The article shows how geo-mapping data can be obtained through Facebook’s systems.

<https://theintercept.com/2018/03/26/facebook-data-ice-immigration/>

DHS Sets up More Information Sharing and Fraud Programs against Workers

These policies will facilitate more surveillance and information sharing about workers in the U.S. for the purpose of immigration enforcement. These policies follow a worksite raid in Tennessee in which the Internal Revenue Service (IRS) collaborated with ICE to arrest and prosecute workers for removal.

Department of Labor (DOL) and USCIS: The Administration launched real-time information sharing between USCIS, the

federal agency that makes decisions on most immigration benefits, and DOL.

DOL will have “read-only” real-time access to USCIS records. This means that DOL will not have to make case by case inquiries with ICE but will have access to a person’s USCIS file.

<https://www.dhs.gov/publication/dhsuscispia-010-person-centric-query-service>

As part of the Administration’s policy of “Putting American Workers First,” the Department of Justice (DOJ) and USCIS will collaborate more on identifying fraud in worker visa cases, mostly targeting H-1B workers. This initiative is designed to increase audits, investigations and prosecutions of companies, employers and employees.

<https://www.uscis.gov/news/news-releases/putting-american-workers-first-uscis-announces-further-measures-detect-h-1b-visa-fraud-and-abuse>

Amazon Sells Facial Recognition Technology to Local Law Enforcement

Amazon is marketing its online facial recognition technology, Rekognition, to police departments domestically and abroad. Thus far, police departments in Florida, Oregon, and California have used it. The ACLU and Electronic Frontier Foundation have called for Amazon to cease the selling of these services.

<https://www.nytimes.com/2018/05/22/technology/amazon-facial-recognition.html>

SPECIAL BORDER ENFORCEMENT UPDATE ON SOCIAL MEDIA AND BIOMETRIC COLLECTION

DOS and DHS Announce “Extreme” Vetting for Individuals Entering the U.S.

1. The Department of State (DOS)

DOS requires that individuals applying for any immigration benefit who want to enter the U.S. must surrender social media information. This can apply to anyone, from students to people applying for a green card. It can also apply to people who are re-applying for visas. This is happening in a variety of different ways, as follows:

DOS amended visa procedures for people applying to enter the U.S. to collect social media information: Forms DS-160, DS-156 and DOS 260 will be amended to add new questions about social media and affiliations. The new policy will require the surrender of the previous five years of social media information and passwords, including

Facebook, Twitter, Instagram and all email addresses and phone numbers to the Department of State. Although the government is taking comments on these new changes, they are likely to go into effect very soon.

Notice of Immigrant Visa Changes (Those Trying to Reside in the U.S.)

<https://www.federalregister.gov/documents/2018/03/30/2018-06490/60-day-notice-of-proposed-information-collection-application-for-immigrant-visa-and-alien>

Notice of Non-immigrant Visa Changes (Those Trying to Come Temporarily)

<https://www.federalregister.gov/documents/2018/03/30/2018-06490/60-day-notice-of-proposed-information-collection-application-for-immigrant-visa-and-alien>

Already Happening: A new supplemental form DS-5535, operational since November 2017, asks for emails and social media identifiers. The form is included in this article: <https://www.zdnet.com/article/us-visa-applicants-must-now-provide-social-media-handles/>

2. Visa Waiver Countries

DHS will request and/or independently search for social media identifiers from people traveling under the Visa Waiver Program. This program allows nationals from countries that have low U.S. immigration numbers to travel to the U.S. without a visa. Usually, this list includes those from Germany or Finland, who will have their social media collected. <https://www.dhs.gov/sites/default/files/publications/CBP-ESTA%20PCR%20final%20report%2020171027.pdf>

3. National Vetting Center (NVC)

President Trump announced, through an executive order, the creation of a DHS-led NVC. The purpose of the NVC is to collect and consolidate biometric and biographical information of anyone entering the U.S., including U.S. citizens. A board overseeing the NVC will be composed of senior executives chosen by the secretaries of State, Defense, and Homeland Security; the attorney general; and the directors of National Intelligence and the CIA. (Recently, the Administration dialed back their efforts on using predictive policing software.)

<https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-creation-national-vetting-center/>

Tip: Review your social information on whatever social media platform you use and if possible, download the file to see what is publicly available. In addition, follow the guidelines set out in our Social Media Advisory: http://nipnlg.org/PDFs/community/2017_03Apr_comm-adv-social.pdf, as well as travel recommendations at the Electronic Frontier Foundation (<https://www.eff.org/issues/travel-screening>).

DHS INDUSTRY AND TECHNOLOGY MEETINGS

National Sheriffs' Association Conference and Exposition

New Orleans, June 15-19, 2018. ICE usually has booths at this conference.

<https://www.sheriffs.org/events/conferences>

Homeland Security Week

October 22-24, 2018: A conference bringing together industry and DHS leaders, including ICE and CBP.

<https://www.homelandsecurityweek.com>

DHS and Fusion Center Conferences in 2018

Including a DHS, ICE and Fusion Center Gang conference on June 27-28, 2018

<https://analyticseminar.gss.anl.gov/analytic/>

Gang Investigator Trainings for 2018

These trainings are for gang unit police and other federal officers.

<https://www.nationalgangcenter.gov/Training-and-Technical-Assistance/Other>

BACKGROUND READING

Facial Recognition Problems

<https://www.wired.com/story/photo-algorithms-id-white-men-fineblack-women-not-so-much/>

Industry View on Biometrics and Law Enforcement, including Immigration

<https://www.biometricupdate.com/201804/social-media-databases-behavioral-identifiers-said-future-of-law-enforcement-biometrics>