national IMMIGRATION project
of the National Lawyers Guild

NIPNLG
SURVEILLANCE AND TECHNOLOGY
NEWSLETTER
DECEMBER 2018

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INTRODUCTION

NIPNLG's *Immigrants, Surveillance, and Technology Newsletter* collects and organizes surveillance and enforcement information as it impacts immigrants.

This edition provides information about campaigns against DHS contracts between the Department of Homeland Security (DHS) and companies, such as Amazon, Microsoft and Palantir, enforcement updates and legislative threats. Topics in this issue include:

· Advocacy efforts to limit the expansion of surveillance technologies and create accountability

· Reports on DHS's use of companies that sell products and services related to immigrant surveillance and social media collection

· Legislation and important reports relevant to increased surveillance on immigrants

ADVOCACY UPDATES

Campaigns against Companies Contracting with DHS on Surveillance and Monitoring of Immigrants

Activists increased campaigns against tech companies who have contracts with DHS, including ICE and CBP. The actions slammed the mass expansion of ICE contracting with the private sector to build databases that police immigrants. At the same time, employees within these companies also exposed additional contracts with DHS.

Information about various campaigns can be found on www.mijente.net or https://www.lahuelga.com/abolishice#-summary

Microsoft

After numerous protests from immigrants' rights activists, including CoWorker, Mijente, Movimiento Cosecha, and others, Microsoft pulled out of a deal with ICE to provide cloud services, facial recognition and identification services. https://www.theguardian.com/technology/2018/jun/26/tech-government-contracts-worker-revolt-microsoft-amazon-google

Amazon and Palantir

Amazon and Palantir came under fire for their contracts with ICE to build biometric information systems and cloud services for ICE and DHS. Mijente built an ICE cage at Burning Man and Cosecha protested Amazon and Microsoft stores in New York. https://www.sfgate.com/burningman/article/ice-cage-mijente-palantir-burning-man-fans-protest-13195335.php

https://www.teenvogue.com/story/demonstrators-arrested-protesting-amazon-microsoft-ice-associations

Salesforce

In September 2018, RAICES, an immigrants' service organization based in Texas, rejected a $250,000 donation

from Salesforce after learning of their contract to hire CBP agents.

https://www.theguardian.com/us-news/2018/sep/25/salesforce-ceo-marc-benioff-raices-family-separation-scuba-diving

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

In re Facebook Biometric Information Privacy Litigation: A Lawsuit Protecting a Strong Biometric Privacy Law
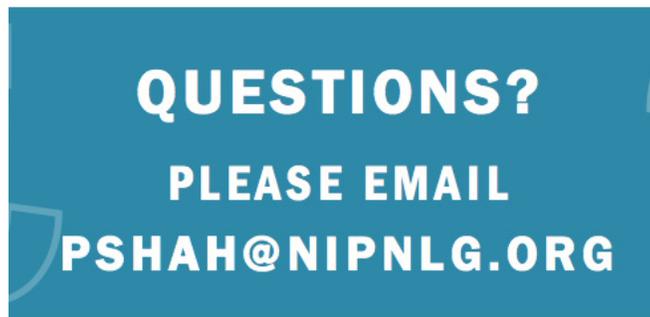
At the center of this case is the Illinois' Biometric Information Privacy Act (BIPA), one of the strongest biometric privacy laws in the United States because it provides money damages for the collection of biometric data without consent. Plaintiffs are challenging Facebook's automatic "tag suggestions" feature, which uses powerful face recognition technology to identify the people in images uploaded to FB. FB asks people to tag others in the images. The Ninth Circuit granted an immediate appeal of whether the class was properly certified. Electronic Frontier Foundation, ACLU, and other legal groups filed an amicus in support of this suit.

https://cases.justia.com/federal/district-courts/california/candce/3:2015cv03747/290385/333/0.pdf?ts=1523951115

Lawsuit by Advocacy Group Reveal's Palantir's Role in LAPD Gang Database

A lawsuit by Stop LAPD Spying Coalition forced Palantir to turn over documents related to its predicting policing and surveillance algorithms.

https://theappeal.org/the-lapd-has-a-new-surveillance-formula-powered-by-palantir-1e277a95762a/

QUESTIONS?

PLEASE EMAIL

PSHAH@NIPNLG.ORG

IMPORTANT NEW REPORTS

New Report Exposes How Technology Companies are Working and Profiting with ICE to Increase Arrests, Detentions and Deportations

Mijente, Immigrant Defense Project, and National Immigration Project worked with Empower, LLC to create the report, "Who's Behind ICE?" exposing how tech is fueling the current deportation crisis. The report has numerous charts and graphs illustrating the corporate connections, the lobbying connections and the corporate resourcing of all stages of immigration enforcement.

https://nipnlg.org/PDFs/community/2018_23Oct_whos-behind-ice.pdf

AI Now Report 2018

A survey on facial recognition protocols and policy recommendations from *AI Now*.
https://ainowinstitute.org/AI_Now_2018_Report.pdf

ACLU Test Shows Major Flaws in Amazon's "Rekognition" Software

In a test the ACLU recently conducted of the facial recognition tool, called "Rekognition," the software incorrectly matched 28 members of Congress, identifying them as other people who have been arrested for a crime.

https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-face-recognition-falsely-matched-28

Texas Shares Traffic Citations with DHS

Texas Department of Public Safety shares lists of traffic citation with ICE. Record checks are run, and people are arrested. Hundreds of names are vetted each time. The sharing resulted in arrest in Houston.

https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-DPS-sharing-lists-of-traffic-citations-with-12988987.php

https://www.statesman.com/news/20180728/heat--ice-traffic-crackdown-targeted-common-violations-by-immigrants

DHS-HHS Information Sharing, Detained Children and their Sponsors

The Brennan Center for Justice, National Immigrant Justice Center and Georgetown Law created a resource page for people to learn more about information-sharing agreements between DHS and Health and Human Services (HHS) that are being used to arrest and deport potential sponsors of children.

https://www.brennancenter.org/analysis/dhs-hhs-information-sharing-and-ice-enforcement-against-potential-sponsors-detained

DHS Rolls Out New Databases and Information Sharing Systems

Immigration Biometric and Background Check System of Records (IBBC): In July 2018, the United States Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) announced new rules to create massive new databases and procedures that will collect and store biometric and biographic information of any noncitizen applying for any immigration benefit and anyone who has a "rational" connection to the applicant – including US Citizens. Information stored will include everything from facial scans to mapping of social relationships. The information gathered about immigrants and U.S. citizens will be shared across federal and local law enforcement agencies.

https://www.govinfo.gov/content/pkg/FR-2018-07-31/pdf/2018-16138.pdf

The National Vetting Center (NVC) Launched in December 2018

On December 12, 2018, the NVC launched to vet noncitizens to prevent "dangerous" people from coming to the United States. Through a Presidential memorandum, President Trump created the NVC which combines and consolidates information from six federal agencies (e.g. Department of State, ODNI, etc.) DHS is the main repository and coordinator. All information – biographic, biometric, social media related – will be considered by the NVC. The NVC claims they are not directly involved in adjudications, but the NVC will advance the practice of using "vetting" analysts to make decisions on immigration applications. This means more data keepers and data analysts will make decisions by whatever they receive on their computer screen.

The program will first focus on visa waiver applicants, but will soon expand its reach to all immigration applications. NVC operations are in Virginia.

https://www.dhs.gov/sites/default/files/publications/privacy-pia-dhsall072-nvc-december2018.pdf

The Office of Biometric Identity Management (OBIM)

OBIM is not new, but it is emerging as a critical unit within DHS' technology management offices. Not only does OBIM house HSI, but it provides, biometric "services" to dozens of federal agencies. OBIM is developing IDENT's replacement biometric system - Homeland Advanced Recognition Technology (HART) - the next generation program after the fingerprinting system, IDENT. It will be important to monitor OBIM's funding in the upcoming budgets.

https://www.dhs.gov/sites/default/files/publications/nppd-biometric-identity-management-02132018-508.pdf

Documents Show ICE "Mines" Local Police Databases across the Country

Using a program called COPLINK, it was reported that ICE can gain access to local police databases across the country, including counties in Los Angeles, Boston, and Arizona.

https://theappeal.org/new-documents-reveal-how-ice-mines-local-police-databases-across-the-country-660e2dfddbe3/

DC AGENCY UPDATES AND BILLS THAT EXPAND SURVEILLANCE OF IMMIGRANTS

DHS Appropriations Bill, Scheduled for Shutdown

Over the summer, President Trump signed into law a spending bill that will provide full-year appropriations the Departments of Defense, Health and Human Services and Education. However, the Departments of Homeland Security and Justice have stop-gap funding until December 21, 2018. It is unclear how much money will go to tech under current proposals.

Nearly 10 percent of DHS' budget is technology related and includes funding for several enforcement related programs. Many parts of the border wall are not just fences, but new surveillance technology described as "situational awareness tech" or "new checkpoint tech." To learn more about tech funding from Congress.

Over the last three months, documents released by Senator Merkely (OR) showed that close to $200 million dollars were transferred from other agencies to cover "shortfalls" in DHS funding, namely in ICE detention and removal. Included in those transfers were funds for DHS tech checkpoints and other surveillance systems.

https://assets.documentcloud.org/documents/4829359/CHC-REQ-DHS-FY-2018-Transfer-and-Reprogramming.pdf

H.R. 6439, the Biometric Identification Transnational Migration Alert Program (BITMAP) Authorization Act of 2018 Passed the House with Bipartisan Support

This bill provides separate funding to BITMAP, a program within ICE that collects biometric information and fingerprints from people outside the United States. Homeland Security Investigations (HSI) runs this program, with 400 personnel deployed to 67 attaché offices in 50 countries. HR 6439 will likely not become law, but it will be important to track in the future.

The impact of BITMAP is that DHS may have information about individuals BEFORE they enter the United States. There has been no evaluation as to the usefulness of BITMAP. It may be useful for advocates to query whether a person has been entered into a BITMAP system. This program is operational in Mexico, Panama, and many other countries.
https://www.ice.gov/international-operations

Senate and House GOP Selects Leaders for "Cyber" Committees

These committees will focus on the use of technology in government programs, including DHS in the 2019 Congress.
https://www.politico.com/newsletters/morning-cybersecurity/2018/12/03/gop-picks-leaders-for-cyber-committees-438253

DHS INDUSTRY AND TECHNOLOGY MEETINGS

DHS Continues "Technology Rallies" to Assess Tech Firms' Capabilities for Iris and Facial Scans

The focus of these "tech" rallies is to "meet the challenge of traveler identification in a high-throughput security environment using an unmanned system. Systems will be evaluated using diverse, large-scale testing with volunteers." Results of the 2018 Rallies are available. New rally dates have been scheduled for 2019. National Institute for Standards and Technology (NIST) and DHS sponsor the rallies.
https://mdtf.org/rally/

Data for Black Lives Conference in January 2019
http://d4bl.org

List of DHS and Law Enforcement Conferences in 2018

https://www.dhs.gov/sites/default/files/publications/2018_Law-Enforcement-Conference-Gatherings-and-Meetings.pdf