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PANEL PROPOSAL

THE BIOMETRIC LIVES OF MIGRANTS: BORDERS, DISCRIMINATION AND (IN)JUSTICE

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Panel Rationale

Biometrics, the technology for measuring, analysing and processing a person's physiological characteristics, such as their fingerprints, iris or facial patterns, is increasingly used in the management of migrant and refugee flows. In the post 9/11 context migration has become securitized: migrants are reduced to a security threat while borders are increasingly armed with technological apparatuses in order to 'detect

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anomalies' and screen unwanted others (Aradau & Blanke, 2017). The panel interrogates the uses of biometric technologies and the consequences for the lives of migrants and refugees. How are biometric data constituted and what are their limitations and biases? Do biometric technologies challenge traditional notions of the physical border and what are the implications for the surveillance of and intervention on marginalized groups? Who benefits from the extraction of biometric data, including 'digital identity' programmes for refugees? To what extent can migrants and refugees navigate this complex assemblage of power?

The panel addresses the above questions by bringing together a multidisciplinary group of international experts in order to develop a critical, comparative and empirically grounded dialogue on the consequences of biometrics for the lives of migrants and refugees. The intersection of biometrics and migration is an interdisciplinary area of research. The panel combines approaches which are often kept separate in this urgent area of inquiry: science and technology studies, critical border and security studies, critical algorithm studies, political theory, colonial and decolonial theory and political economy. Empirically, the papers include case studies from Europe (European Asylum Support Office, Eurodac and iBorder), the Middle East (Za'atari refugee camp in Jordan) and Asia (Rohingya response in Bangladesh and ID2020 programme in Thailand).

We begin our conversation by interrogating what constitutes biometric data. The first paper examines the ontology of biometric data. Just like statistics created different categories which people came to fit (what Ian Hacking calls 'making up people'), biometric technologies 'make up data'. The authors argue that migrants' digital and analogue traces combine and recombine to produce 'border inscriptions' which also enact migrants as subjects who cannot refuse data extraction. The second paper further explores the ways in which biometrics construct the border and enable interventions beyond the actual physical boundaries. Biometrics reworks traditional notions of the border as a material entity. As the digital border takes on functions of governance, the paper draws on extensive ethnographic research with refugees and asylum-seekers in Greece and the UK as well as immigration and border control officers, civil servants, immigration lawyers and NGOs and observes the ways in which biometric data collection is legitimized. The third paper turns our attention to the design of the technological apparatus of migration systems, which reproduce and amplify disempowerment. The processing of immigration claims through systems of algorithmic decision-making, which have well-known biases, further compounds existing inequalities among already marginalized groups. The consequences of biometric bias are further explored in the fourth paper, which shifts the focus to the applications of biometric technologies in refugee camps. The author argues that biometric technologies – as part of wider technological and socio-political assemblages – reproduce and rework colonial legacies. This happens through the ways that biometrics codify discrimination by privileging whiteness, the streamlining of extraction of data for surveillance or profit, the experimentation with untested technologies in fragile environments and the lack of any meaningful consent in these processes. Even the seemingly empowering digital identity experiments do not have clear, tangible benefits for refugees whilst they depoliticise displacement by proposing technical solutions to what is a political problem.

A number of themes run across the four contributions: the production and reworking of borders and processes of bordering (papers 1-3), the extractive logics of biometric flows (papers 1 & 4), the commercial dimension of biometric infrastructures (2, 3 & 4), the limitations of algorithmic sorting (3 & 4), the consequences of discrimination and exclusion (3, 4), the lack of meaningful consent in refugee registrations (1, 3, 4) and the agency of migrants in the face of structural limitations (2, 4). Ultimately, all papers are concerned with the broader intersection of data, computation and justice.

The panel addresses the conference theme 'life' in a number of ways: biometrics are produced through artificial neural networks which employ machine learning algorithms in order to process large datasets and learn to imitate the function of the human brain, for example by recognizing one iris from another. Our panel explores the consequences of this 'machinic life' for the lives of actual people, migrants and refugees who navigate actual and digital borders in the quest of a better life.

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Aradau, C. & Blanke, T. (2017). Governing Others: Anomaly and the Algorithmic Subject of Security. *European Journal of International Security*, *3*(1), 1–21. doi:10.1017/eis.2017.14

MAKING UP DATA: FROM MIGRANT TRACES TO BORDER INSCRIPTIONS[1]

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Governing European borders has been underpinned by the increased collection and processing of data. From the establishment of the Schengen Information System (SIS), the Visa Information System (VIS) and the European Asylum Dactyloscopy Database (EURODAC), data has been mobilised for the categorisation and social sorting of people and things on the move. Recent European Commission proposals on setting up new databases and creating interoperability between new and existing databases have been underpinned by fears of 'information slipping through the net' and the limits of 'fragmented and complex databases' (European Commission 2019). If the interoperability priority of EU Justice and Home Affairs has been articulated in the name of the fight against terrorism, 'irregular migrants' have become its primary object and target of intensified data extraction and processing (European Commission 2016).

[1] This paper is part of ongoing work in the SECURITY FLOWS project, which received funding from the European Research Council (ERC) (grant agreement No 819213).

Critical border and security scholars have offered nuanced analyses of the effects of the increased collection of biometric data, particularly the shift from reactive to preemptive practices, the proliferation of risk profiling for 'social sorting', and the assumption of infallibility of data (Amoore 2006, Bigo 2010, Broeders 2007, Kuster and Tsianos 2016, Metcalfe and Dencik 2019, Piazza, 2008). However, there has been less attention to how data is produced by various actors, devices and institutions, and what comes to 'count' as data. As Rocco Bellanova and Gloria González Fuster have pointed out, these accounts of how data is used to govern populations assume data 'as a given, an instrumental entity that just makes the work of those who govern easier, and that facilitates exchange and cooperation among security actors' (Bellanova and Fuster 2019, 350).

In this paper, we propose to supplement the historical ontology of 'making up people' (Hacking 2004, 5) by 'making up data' (see also Aradau and Blanke 2015). 'Making up people' was coined by the philosopher Ian Hacking to render the ways in which statistics created different types of categories and people came to fit these categories. 'Making up data' investigates the ways in which different materialities come to count as data and what is discounted in these operations. To this purpose, we develop a conceptual distinction between digital 'traces' and 'inscriptions.' While digital traces are increasingly extracted from the bodies of migrants through fingerprinting, screening, facial recognition, or interviews, these traces are processed, combined and recombined to become border inscriptions. It is through these digital 'scriptural' operations (Denis 2018, 82) and compositions that migrant traces gain particular social and political relevance as border inscriptions.

The paper advances an understanding of how data is made for the purposes of border governance by mapping operations that transform migrant traces into border inscriptions. As Latour and Woolgar have famously shown, once 'an inscription is available, all the intermediary steps that made its production possible are forgotten' (1979, 63). While digital traces and footprints have been increasingly used as synonyms for data in the digital world, we argue that reducing data to traces risks obscuring the heterogenous ways in which traces are combined, hierarchised and recombined to produce credible inscriptions.

Empirically, we analyse the practices of the European Asylum Support Office (EASO) in collecting information and assessing it to assign responsibility for the processing of applications for international protection under the Dublin III Regulation. Since 2010, EASO has been at the forefront of data collection from asylum seekers and irregular migrants and it manages the EURODAC database, which contains the fingerprints of asylum seekers and other migrants apprehended crossing EU border irregularly or residing irregularly in one of the EU Member states. EASO has developed tools for managing the allocation of asylum seekers under the Dublin III rules, it coordinates training on migrants' interviews and investigation, collects and shares information and data about asylum seekers with national and other EU agencies. We analyse the 'practical tools' and software that EASO has developed in the implementation of the Dublin III Regulation and the Common European Asylum System, as well as through additional interviews with EASO staff.

Based on this analysis, we make a three-pronged argument. Firstly, while many scholars point to the shift towards datafication and digital traces in border governance, our analysis sheds light on the intricate compositions of different forms of traces – biometrics, documents, population registers, stamps, interviews – in the production of border inscriptions. Border inscriptions emerge not only out of the collection and processing of digital traces, but also out of entanglements with documents and other paper traces to produce credible inscriptions. What is at stake is not the replacement of the analogue by the digital, or the 'low-tech' by the 'high-tech', but variegated modes of composing migrant traces. Secondly, these entanglements give rise to sustained asymmetries between different traces, as they hierarchise them according to an epistemology of credibility. Traces produced through instruments need to be composed with signed documents, recorded interviews or registers issued and maintained by different local or national authorities. Other traces – such as information circulating among refugees – are discounted as lacking credibility. Finally, we show that border inscriptions are often difficult to decompose, thus rendering responsibility and accountability untraceable.

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FROM IDENTIFICATION TO RECOGNITION: BIOMETRICS, ASYLUM AND THE SELF

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The collection of biometric data is now an integral part of contemporary border regimes, used in Europe and beyond to identify individuals, track movements of populations, and provide humanitarian aid (Sánchez-Monedero 2018). Today’s ‘iborder’ (Pötzsch 2015) is simultaneously dispersed and impenetrable, made up of a complex network of interoperable databases that connects a range of state and non-state actors. Information systems such as the Visa Information System (VIS), the Schengen Information System (SIS), and the European Asylum Dactyloscopy Database (EURODAC) operate to control the border crossing traffic, migration and asylum applications. For instance, EURODAC provides a centralized database of fingerprints to implement regulations for migrants and asylum seekers, determining their legal status and conditioning their rights (Ferraris 2017; Tsianos & Kuster 2012). Electronic passports, facial recognition technologies and other biometric information make up the advent of so-called ‘smart borders’ that have become the hallmarks of EU-funded research and development projects in recent years (Cannataci 2016). At the same time, the humanitarian sector is rapidly organizing itself around a ‘biometric assemblage’ (Madianou 2019) that encompasses the data of a huge proportion of the world’s displaced populations. Iris scans and fingerprinting amongst refugees have become common techniques for not only registration, but as a condition for receiving aid across several different contexts (The Engine Room and Oxfam 2018).

Yet whilst we are able to trace these developments, we know little about how they are transforming understandings, perceptions and experiences of the border. Important work has highlighted the limitations of using biometric data and the challenges of inferring characteristics and behaviours from such data, particularly across diverse and complex populations (Ajana 2013; Sánchez-Monedero and Dencik 2019). This has pointed to questions of ‘accuracy’ and ‘fairness’ as some groups are likely to be disproportionally harmed by such border systems (Amoore 2006). However, framing the politics of data in these terms, focusing on the nature of data-driven systems themselves, risks ignoring the more fundamental ways in which politics is enacted through biometrical border regimes. As these technologies are optimized for efficiency and control, gradually displacing (public) infrastructure, we need to situate their advancement in relation to their operational imperatives and environmental impacts (Andrejevic 2019; Kulynych et al. 2020). That is, we need to examine the way such

technologies take on functions of governance, ordering the terms of migration and conditioning the lives of displaced populations, shaping their own personal narratives and sense of the self.

As a way to engage with this question, this paper explores the understandings, perceptions and experiences of biometric data collection, particularly in relation to refugee populations or those seeking asylum in Europe. It draws on extensive ethnographic research carried out working with refugees and asylum-seekers in Greece and the UK as part of a multi-year project dedicated to exploring the social justice implications of data-driven systems in Europe.[2] This includes a large volume of interviews with different actors, including immigration and border control officers, civil servants, immigration lawyers, NGOs, and migrants. In particular, the paper investigates how biometric data collection is legitimized through different frames of justification at various nodes of the 'iborder' as a way to enact governance. Framed simultaneously as a technique of securitization of the state ('Fortress Europe') and of the human subject (rights), biometric data collection appears as a polysemic practice that is increasingly shaping the 'environmentality' (Foucault 2008; Andrejevic 2019) of migration. Border controls become biometrically dependent, as do freedoms and basic survival.

We see this, for example, in the way that biometric data collection is used for pre-emptive filtering of 'black-listed' or 'dangerous' travellers (Broeders and Hampshire 2013) and facilitates the tracking of movement to and within Europe through both the VIS and EURODAC databases. The attachment of biometric data to an individual identity serves to control applications for visas and asylum claims respectively. More recently, we have seen biometric data used to assess 'bona-fide' and 'non-bona-fide' travellers through an analysis of potential 'deception' as proposed by the EU-funded iBorderCtrl system piloted in Greece, Hungary and Latvia (Sánchez-Monedero and Dencik 2019). That is, security-by-data is exercised through a process of *identification*, an alien artifact acting in the stead of an individual premised on an assessment of potential risk to European borders.

At the same time, the collection of biometric data for the asylum process is also a way to gain access to rights, an avenue to potential safety and gateway to inclusion. Such discourse of legitimisation is furthered in the humanitarian sector, where biometric data collection in refugee camps across parts of Africa, Asia and the Middle East is used for registration as a way to ensure access to basic needs such as immediate relief from degrading treatment and the receiving of aid. In this sense, security-by-data is exercised through a process of *recognition*, a technical proxy for fundamental human rights premised on an assessment of potential need of an individual.

Yet as our research shows, in legitimizing biometric data as the primary definer of identification and recognition, borders become embodied in significant ways that enact both operational and disciplinary power overwhelmingly carried by displaced populations who are forced to navigate an increasingly dispersed border regime with their own bodies and identities. We see this in ambivalent actions and decisions

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amongst migrants, who sometimes chose to forego access to basic needs in favour of withholding their data. For example, in Greece interactions with any official state bureaucracy was championed as a way to regain autonomy over further movement across Europe, effectively limiting the support and access to basic rights whilst waiting to move onwards. Or in the UK, where dealings with health care services were avoided by those with insecure immigration status as a way to sidestep data sharing as part of the 'hostile environment'. In this sense, infrastructures of biometrics need to be understood not just as displacing borders, but in doing so, terms of justice.

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THE PROBABILITY OF HAVING RIGHTS: REMOTE SENSING, MIGRATION AND DOUBT

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Direct registration of migrants through biometrics or civil registration data is now complemented through multiple interacting modes of datafied monitoring and control. Under the EU's 2018 'big data for migration' policy and US border policies, a marketplace has been created for vendor-driven migration monitoring and statistics (Mijente et al., 2019; Taylor & Meissner, 2020), based on complementary measures of migration control. In this public-private system, migrants are pre-emptively tracked by technical contractors on a project basis using social media posts, mobile phone location records, satellite and drone feeds, as well as at the points where they interact directly with authorities and are fingerprinted, photographed or recorded. This entire system, although governed in different ways across the public-private divide, forms an increasingly integrated assemblage designed to give a 360-degree real-time account of migrants' activities and behaviour.

This assemblage of surveillance and control technologies, although presented as the new apparatus of migration control, is inherently probabilistic, and thus open to challenge as a reliable way to identify people whose right to asylum or to free movement may be at stake. This component of doubt has not been identified as a problem for policymaking or execution, perhaps because (im)migration policy in high-income countries is made and executed according to a mixture of entrepreneurial and national-security logics, where being guilty until proven innocent is the norm, rather than the logics of administrative-law and bureaucratic decision-making where migration is constitutionally situated and which demand a more solid basis for excluding or punishing individuals.

This paper will explore the ways in which the data economy facilitates a probabilistic approach to migration data and decision-making, and what this means for the subjects of this decision-making. Some examples of probabilistic approaches in this domain include the following:

- Biometric identification: Even under controlled conditions, biometrics and algorithmic modes of identification such as facial recognition are usually calibrated to different confidence levels depending on the security and policy implications of the decisions being made. When passport control is suffering delays in processing incoming or outgoing travellers, for example, border enforcement agencies will often set the system to a lower level of accuracy in order to process people faster and avoid congestion.
- Remote sensing: In contrast, remote identification through sensing data such as new vendor-driven projects which mix satellite and drone images with mobile phone location data and social media postings, is usually done with a high

tolerance for inaccuracy (Taylor & Meissner 2019), something which has been acknowledged by policymakers (EU, 2018).

- Conflicting data: in cases where immigrants and asylum applicants may share a last name or identifying characteristics, the legal system penalises asylum-seekers according to the attributes of others (Bosque, del, 2019) and has no standards or procedures for automatically triggering a disambiguation process under the presumption of innocence.

These instances suggest that if we theorise the use of biometrics as a tool of governmentality we should do so in relation to other technologies and applications, namely data analytics performed on other forms of immutable digital traces such as location and movement patterns and social network attributes. There are various theoretical tools we can use to delineate the connections between these applications: one central strand is that articulated by Amoore (2019: 1) when she calls for 'a posthuman mode of doubt that decentres the liberal humanist subject' and instead focuses on what takes place at the intersection of machine and human judgement. This call is complemented by Aradau and Blanke's argument (2017:376) that 'the techniques of governmentality are techniques of prediction inasmuch as they problematize and aim to shape the 'not-yet' of action.' This scholarship on doubt and prediction helps articulate the very concrete problems of migration and justice, where migrants exist as a subaltern legal subject who appears in datasets that have life-changing implications for them, without any rights over the data's collection, use or verifiability.

Those who are subject to probabilistic decision-making in the migration domain are usually those who are already excluded from the possibility of claiming their rights in their country of origin. The use of remote data analytics and algorithmic decision-making in relation to their immigration claims adds another layer of injustice to a bureaucratic system already based on assumptions of exclusion. Migration data systems (re)produce and amplify disempowerment by imposing probabilistic analysis on an already complex administrative process that requires human judgement in order to make any claim to relevant and informed, let alone just, decision-making.

This paper will bring together the theories on post-Cartesian doubt cited above with the notion of the disciplinary database (Johnson, 2014) to illuminate an analysis of the technical problems of interacting remotely sourced datasets and the administrative challenge of decision-making on real-time human problems under conditions of uncertainty. It will analyse how the disciplinary and exclusionary aims that inform the design of the technological apparatus of (im)migration systems interact with analytical instances of statistical and narrative doubt to produce both systematically biased outcomes and built-in resilience of those systems against claims for redress. My analysis will bring together analyses of biometrics as a doubtful and probabilistic set of technologies with perspectives on rights in relation to migration, focusing particularly on how such technologies violate 'the right to have rights' (Arendt, 1979) and on the implications for rights-based approaches to problems such as family separation and the increasing infringement of the right to asylum in the EU.

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ENACTING 'COLONIAL PRESENCE': FROM BIOMETRIC REGISTRATIONS TO DIGITAL IDENTITY FOR REFUGEES

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In June 2019 the United Nation's World Food Programme (WFP) temporarily suspended the distribution of food aid in Yemen as Houthi leaders, representing one of the sides involved in the protracted civil war, opposed the use of biometric data in aid delivery. The WFP, which insisted on biometric registrations as part of efforts to address low-level fraud in aid operations, was much criticized for its decision to deny food to one of the world's most vulnerable populations. This episode received much attention not least because it revealed in stark terms the lack of meaningful consent in the biometric registrations of humanitarian subjects. Rather than being the exception, the Yemen example confirms the pervasiveness of biometrics in the humanitarian industry, especially in the management of displaced people. The United Nations High Commissioner for Refugees (UNHCR) aims to have recorded all refugee data in one single database, called PRIMES, by 2020 which reveals that biometric registrations are not only normalized, but have become an administrative target that needs to be met.

Biometrics are not just used to register refugees and authenticate those entitled to aid distributions; they are also integral in the increasingly popular 'digital identity' programmes for refugees which are hailed as empowering for providing stateless people with a form of legal identity.

Biometric technologies are here understood within a longer lineage of practices of enumeration and control that are part of colonial legacies. Drawing on colonial (Stoler, 2016) and decolonial (Quijano, 2000) theory, I argue for the tenacity of colonial genealogies and inequalities. Quijano's notion of the 'coloniality of power' is useful for explaining how the subjugation of the colonized continued well after the independence of postcolonial states as a result of the dominance of eurocentric systems of knowledge, the codification of social and racial discrimination and the exploitation associated with global capitalism (Quijano, 2000). For Stoler, contemporary global inequalities such as migration are 'reworkings […] of colonial histories' which she theorises as colonial presence (2016, p. 5). Migration and displacement can often be traced to colonial pasts (Hegde, 2016). Most crucially, the racial subjugation of migrants and refugees helps to preserve colonial orders and the 'coloniality of power' (De Genova, 2016; Quijano, 2000). Humanitarianism itself, despite being taken for granted as an expression of 'a supposed natural humaneness' (Fassin, 2012), has historical roots in colonial expansion and the parallel awareness of otherness and suffering (Lester and Dussart, 2014). The structural asymmetry between donors, humanitarian officers and aid recipients reproduces the unequal social orders which shaped colonialism and empire.

In the paper I argue that biometrics, as part of an assemblage of technological and socio-political developments, is a crucial tool in sustaining the racial subjugation of migrants and refugees and, ultimately, the 'coloniality of power'. I draw here on the concept of 'technocolonialism' which I have developed to theorise the convergence of digital technology with humanitarian structures and market forces and the ways it reworks and revitalises colonial legacies (Madianou, 2019). Biometric technology is steeped in colonial relations. The birth of biometrics can be traced back to the British Empire when fingerprinting was introduced to identify and control colonial subjects in India (Pugliese, 2010). Contemporary biometrics involves digital technology and machine learning while they often combine with novel developments such as blockchain. Despite the assumption that technological developments have enhanced the reliability of biometrics, there is evidence that biometric data codify existing forms of discrimination (Browne, 2015; Magnet, 2011). Biometric technologies 'privilege whiteness' (Browne, 2015) with significantly higher margins of error when measuring, or verifying 'othered bodies' whether in terms of race, ethnicity, gender, class, disability or age (Magnet, 2011).

Yet despite concerns around bias, the biometric registration of refugees continues apace. After reviewing the reasons behind the pervasiveness of humanitarian biometrics, the paper will examine three examples: the biometric registration of the Rohingya people undertaken by UNHCR and the government of Bangladesh; the WFP's Building Blocks programme in the Za'atari refugee camp in Jordan and the digital identity ID2020 programme.

By privileging whiteness, biometric technology codifies discrimination, thus inscribing the coloniality of power. Yet biometrics is presented as objective and scientific and therefore beyond doubt. Algorithmic sorting and automation are far from infallible, of course; algorithms make errors that entrench existing biases. At the same time, any errors are hard to trace and contest. When biometrics is used to screen aid recipients, this doesn't just entail a probability of error; automation also reduces the moral agency of humanitarian workers. Algorithmic sorting separates actors from their consequences.

The replicability of biometric datasets exacerbates data sharing practices with nation states. While data sharing with host nations has always taken place (as humanitarian agencies operate at the invitation of nation states), the nature of digital datasets streamline sharing and accentuate the potential risk of 'function creep' – the use of data for reasons different to those for which they were originally collected. Apart from states, sharing also takes place with private companies, in their role as humanitarian partners, donors or contractors (eg, private vendors conducting biometric registrations) in what is an increasingly privatized space. We observe processes of biometric data extraction whether for private profit, or for securitization, but not for the benefit of refugees themselves. Even in digital identity projects when refugees are imagined as empowered subjects with 'digital wallets' there is little evidence of direct benefit to displaced people themselves.

In fact, digital identity initiatives, despite their ambitious claims of 'financial empowerment' and 'sovereign identity', show little evidence of success. But even when they fail, digital identity initiatives still succeed in producing social orders. Digital identity programmes, which are often funded by large technology companies, are very successful in generating 'hype' around new technologies such as blockchain. Experimentation with new technologies among vulnerable populations echoes the medical experiments that took place under colonial regimes, where 'failure was outsourced to the global periphery' (Jacobsen, 2015, 31). By turning the political issue of statelessness into a problem with a technical solution, digital identity programmes depoliticize forced displacement whilst advancing a business agenda. At the same time, the neoliberal discourse of financial empowerment occludes the colonial lineages of such practices (Stoler, 2016).

The lack of meaningful consent in refugee biometric registrations further compounds some of the above inequalities. It is not possible to refuse biometric data collection as that would amount to refusing aid when no other options of livelihood are available. Ultimately, biometric practices reconfirm the hierarchy between aid providers and refugees – and in so doing reaffirm that, structurally, contemporary versions of humanitarianism are not dissimilar to their colonial counterparts.

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