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Identity Management Systems at UNHCR: From Paper Registration to Biometric Data Management

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Identity Management Systems at UNHCR: From Paper Registration to Biometric Data Management

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Report

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Master of Public Affairs

and

Master of Information Studies

The University of Texas at Austin

May 2018

Abstract

Identity Management Systems at UNHCR: From Paper Registration to Biometric Data Management

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This report examines the evolution of registration operations as coordinated by humanitarian organizations to serve the needs of refugee populations. It begins with an historical overview of registration by the United Nations High Commissioner for Refugees (UNHCR), previewing an expectation that aid groups address identification demands during refugee operations. It then looks at the evolution of data requested of refugee populations, addressing the normalization of biometric data collection without meaningful governance through procedural documentation. A case study centered on registration in the Dadaab refugee complex then frames biometric data within its use by UNHCR and the Kenyan government to decrease the number of persons identified as refugees. This report concludes with brief recommendations on the creation, verification, and management of identification records by humanitarian organizations as conforming to principles that center the biometric rights of refugees.

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Introduction:

On permanent showing at the International Red Cross and Red Crescent Museum in Geneva, Switzerland is the exhibition "Restoring Family Links" (RFL). Designed by Diébédo Francis Kéré, RFL demonstrates how documentation efforts by Red Cross and Red Crescent (RC/RC) partners have reunited families following conflicts and disasters. I first toured the exhibition in May 2017, during a summer internship archiving records of the International Federation of Red Cross and Red Crescent Societies (IFRC). My work was in processing historical manuscripts on refugee camp management in Sub-Saharan Africa, exposing me to the complex documentation that shapes initial and long-term humanitarian response.[1] I was interested to learn how the RFL exhibition communicated the global networks built from interactions between non-governmental organizations, cooperating government agencies, and beneficiaries of humanitarian aid. What I was specifically searching for were stories from the beneficiaries, to put my archival processing work into an intimate context that I could draw upon in describing my collections.

I found many stories in the RFL exhibition, yet what drew me back to the museum for multiple visits were the records of beneficiaries created during registration operations.[2] These records consist of identification cards that provide vital information (such as name, age, nationality, etc.) pertaining to the registered beneficiary. Perhaps the

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[1] This documentation includes diplomatic correspondence, administrative budgets, international grant proposals, field trip reports, end of mission reports, and many others.

[2] Registration operations are performed to enumerate and collect information on beneficiaries provided with humanitarian assistance. These operations range from a high-level population census to the inclusion of data on individual beneficiaries into global databases.

largest of these historical operations was conducted by the International Prisoners of War Agency (IPWA), an organization established by the International Committee of the Red Cross to restore contact between populations displaced by World War I.[3] A small subset of the 400 linear meters of the agency's archives are displayed in large exhibition cases seen immediately upon entering the RFL gallery.

Illustration 1: The International Prisoners of War Agency (1914-1923, courtesy of the International Red Cross Museum.[4]

While the documents I processed for IFRC dealt with high-level administration of refugee camps, the IPWA archives house personal identification records of over two million displaced individuals. These records were created by hundreds of volunteers coordinating with government agencies to develop a method of tracing individuals back

[3] International Red Cross and Red Crescent Museum. "The International Prisoners of War Agency: The ICRC in World War One." *International Committee of the Red Cross*: 2007. 2.
[4] Germond, Alain. 2013. The International Prisoners of War Agency (1914-1923). Geneva, Switzerland: International Red Cross Museum.

to loved ones. They demonstrate a life cycle of historical identification documents, ranging from the initial use of the index card for registration and reunification, to their now archived use as a tool for genealogical research. Past the exhibition cases are replicas of consultation tables wherein visitors of the museum can interact with facsimiles of card catalogs and large indices that hold names, ages, and other information collected from individuals from IPWA's operational years of 1914 to 1923. Both the scale of the operation and the meticulous labor by which individuals were traced speaks clearly through these tables, demonstrating how volunteers leveraged paper records to facilitate reunification across the continent.

Another striking registration effort present in the RFL gallery is a wall disappearing into a covered alcove ad infinitum, carefully exhibiting photographs of Rwandese children posing with identification numbers. As demonstrated with this piece, documentation efforts in recent years have expanded in capacity to include more complex records, such as photographs and other audio/visual recordings. This is in contrast to the index cards of IPWA that provide limited biological data on beneficiaries. We can look at the function of these records during the Rwandese operation in a number of ways. One example being the procedures regarding unaccompanied minors, with the photographs and identification numbers correlating with registration procedures recommended by the United Nations High Commissioner for Refugees (UNHCR) for populations identified as needing immediate registration.[5] Yet regardless of these functions, we can say with

[5] See UN High Commissioner for Refugees (UNHCR). *Registration: A Practical Guide for Field Staff.* 1994. "Use of photographs in registration" and "Vulnerable groups."

certainty that the hundreds of photographs of Rwandese children in the RFL gallery were not exhibited with the subject's consent.

I am fascinated by these identifications records, and yet have concerns on how their exhibition speaks to the manner in which personally identifiable documentation of refugees is handled by humanitarian organizations. My concerns related to this life cycle of registration information stems from concerns on how data requested of refugees and asylum seekers has changed over time.[6] The recent incorporation of advanced technology within refugee operations now let's humanitarian organizations collect and store larger amounts of data on refugees than ever before. This includes biometric data, such as fingerprints, iris scans, and facial scans, that can be used in tracking and monitoring refugees irrespective of their access to paper documentation. The change in data requested as part of refugee operations demands a number of questions. What kinds of registration procedures are now employed by humanitarian organizations? What broad ethical concerns are there in humanitarian organizations collecting such information? And if these records are shared with third parties, what procedural standards govern such sharing?

This report examines the development of registration operations coordinated by humanitarian organizations to serve the needs of refugee populations. It begins with an historical overview of registration operations by UNHCR, setting the stage for how aid groups are mandated to address identification demands during refugee operations. It then

[6] This includes biometric data such as fingerprints, iris scans, and facial scans, as well as the collection of social media profiles and other data used in capturing an individual's identity.

looks at the evolution of data collected from refugee populations by UNHCR, addressing the alarming normalization of biometric data collection. A brief case study centered on registration in the Dadaab refugee complex frames these records within their use by UNHCR and the Kenyan government, demonstrating how the biometric enumeration of refugees works to efficiently exclude populations from access to humanitarian aid. This report concludes with brief recommendations on the biometric rights of refugees, introducing a way for UNHCR to set a higher standard on managing refugee data.

Historical Overview of Refugee Registration

The years following World War I demonstrated the need for better cooperation between European states in addressing large-scale numbers of displaced populations. The post-war economic crisis limited the humanitarian response in accommodating employment and education opportunities for refugees, leaving hundreds of thousands of displaced people with limited social protection.[7] In 1921, the League of Nations appointed Fridtjof Nansen as High Commissioner for Refugees to provide recommendations for a solution. Nansen's primary objective as High Commissioner was securing employment opportunities for Russian refugees, with a noted example of unrest in Constantinople demonstrating what tensions arise when people are denied the right to work.[8] Yet what is most influential from his reports is his conclusion that, despite there being funding to transport refugees to willing host states, their lack of identification documents prevented them from migrating across borders.

The solution presented by Nansen is twofold, addressing how host governments and the League can better cooperate to ensure refugees possess identity documents and the privileges that accompany such records:

> For securing such freedom of movement, on the importance of which the High Commissioner fully shares the views expressed at the Conference, two suggestions were made: the first, that the necessary papers should be given to refugees who had none, by the Governments of the countries where they had

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[7] White, E. (2017) The legal status of Russian refugees, 1921-1936. *Comparativ. Zeitschrift fur Globalgeschichte und Vergleichende Gesellshaftsforschung.* Available from: http://eprints.uwe.ac.uk/33611

[8] Nansen, Fridtjof (1922). "Russian Refugees: General Report on the Work Accomplished up to March 15th, 1922, Issue 3." League of Nations, Documents Circulated to Council and State Members, C.124 M.74. p 5.

> found a temporary abode; the second, that these papers should be issued by the High Commissioner acting on behalf of the League.[9]

The principle of cooperation in creating identity documents was ratified by the League on July 5, 1922, under a resolution titled the "Arrangement with Regard to the Issue of Certificates of Identity to Russian Refugees." The resolution provided specifications for a "Certificate of Identification" (colloquially referred to as a Nansen passport) that governments agreed to recognize as valid documents for Russian refugees travelling in and between signatory states.[10] The effectiveness of the Nansen passport in addressing barriers to migration faced by refugees led to its expansion in providing other refugee populations with identification documents. In 1924, the League passed a resolution to provide the estimated 500,000 to 1,000,000 survivors of the Armenian genocide with Nansen passports.[11] This resolution covered those Armenians identified as stateless, residing outside the Government of the Turkish Republic, and possessing no other nationality.[12] By the 1930s, a total of 58 countries accepted the Nansen passport for Russian refugees, with 38 accepting the passport for Armenian refugees.[13]

Following the collapse of the League, the United Nations (UN) was formed in 1945 to provide diplomatic solutions in mitigating future world wars and coordinating between an increasing number of international organizations. The previous work of the

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[9] Ibid., 10

[10] League of Nations. *Arrangement with respect to the issue of certificates of identity to Russian Refugees.* League of Nations, Treaty Series Vol. XIII No. 355. (1922).

[11] Kaprielian-Churchill, Isabel. "Rejecting "Misfits:" Canada and the Nansen Passport." *International Migration Review* 28, no. 4 (1994): 285.

[12] Ibid., League of Nations A.48.1927 VIII.

[13] Ibid., 285.

League was instrumental in shaping the mandate of the UN, leading to the foundational 1948 Universal Declaration of Human Rights. As stated below, Article 14 of the Declaration details the universal right to protection by asylum:

> (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
> (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.[14]

While the Declaration does not detail the rights attributed to those seeking asylum across multiple countries, it provides a framework for understanding how all people have the right to migrate and exist outside of their country of origin following forced displacement. To provide better protection and security for asylum seekers, the UN General Assembly passed the 1951 Convention Relating to the Status of Refugees. Most notably in this convention is the first internationally recognized definition of a refugee: "A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.".[15] The purpose of this definition was to provide universal protection for all people forcibly displaced from their country of origin, rather than relying on the identification of select groups to qualify as refugees following a specific situation.[16]

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[14] UN General Assembly. *Universal Declaration of Human Rights*. 10 December 1948, 217 A (III), available at: http://www.refworld.org/docid/3ae6b3712c.html

[15] UN General Assembly. *Convention Relating to the Status of Refugees. United Nations, Treaty Series, vol. 189* (1922): 137.

[16] As demonstrated by League of Nations special assistance to Russian and Armenian refugees.

The convention details a number of precedent agreements that signatory states must adhere to in recognizing identification documents pertaining to refugees. This includes the 1946 Inter-Governmental Agreement on Refugee Travel Documents, as well as the 1922 League resolution on Nansen passports. Most important to the scope of this report are the agreed upon conventions detailing the recognition of identity and travel documents for all individuals recognized as refugees. Article 27 of the convention details that "The Contracting States shall issue identity papers to any refugee in their territory," whereas Article 28 obligates signatory states to issue travel documents to refugees, with special consideration paid to those unable to obtain such documents from their country of origin.[17]

In countries not signed to the convention, UNHCR both registers and issues valid documentation recognized by signatory states. The principle of cooperation developed between the League and host governments in the registration and issuance of identification documents is not found in the 1951 conventions, yet is plainly detailed in the 1949 Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR). As detailed in the statute, UNHCR serves a lead role in, "Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement."[18] This is done in cooperation with governments coordinating refugee

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[17] Convention Relating to the Status of Refugees, Article 27 & Article 28.

[18] UN General Assembly. *Statute of the Office of the United Nations High Commissioner for Refugees.* 14 December 1950, A/RES/428(V), available at: http://www.refworld.org/docid/3b00f0715c.html

operations, and provides a preliminary structure on navigating agreements between UNHCR, governments, and other entities. In 1967, the protocols were amended to the convention to qualify people as refugees in the years after 1951, as well as to provide equal status to all refugees irrespective of when they were classified as such.[19] The protocols provided more depth to the relationship between UNHCR and signatory states, mandating that information be shared between the two entities as a means of protecting refugee rights under the convention.[20]

The Conventions remain the core structure in international human rights law that recognizes the relationship between refugees, UNHCR, and cooperating governments. While the conventions clearly lay out the responsibility of UNHCR and governments in registering displaced people as refugees and providing refugees with travel documentation, they do not sufficiently limit the means by which registration can occur.[21] The change in technology since the 1961 amendments has broadened the scope by which information on people can be captured, allowing for biometric data and other sensitive information to be stored and administered by UNCHR. The following section begins with an analysis on the rise of standardized registration operations as conducted by UNHCR field staff. It then provides an analysis on data collection practices, providing an

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[19] UN General Assembly. *Protocol Relating to the Status of Refugees.* 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267.

[20] Ibid., Article 2.

[21] Meaning here that humanitarian organizations and partner government agencies can request all data they believe appropriate in facilitating the refugee registration process.

overview on how biometric data on refugees has increased following technological advances related to the capture, storage, and sharing of data.

Development of Procedural Standards on Registration

Refugee registration serves the critical function of guaranteeing that refugee rights are recognized in host countries and abroad. As demonstrated by the Restoring Family Links program, registration allows for the tracking of displaced persons with the aim of family reunification. Documentation provided as part of registration allows refugees access to resources within refugee camps such as meal rations and shelters. In many states, this documentation additionally provides access to employment opportunities, state housing, and other forms of social protection. Because refugees are internationally recognized as a protected class, registration additionally provides security against refoulment, defined as the expulsion or return of refugees to areas where their life would be threatened.[22]

In 1994, UNHCR published its first standards document centralizing information on how humanitarian officers in the field should coordinate registration operations. The document builds off data collection priorities (such basic refugee biological data) determined by the conventions and provides case studies on registering refugees in a variety of circumstances. These circumstances include emergency registration at a border, full in-camp registration, and dispersed populations/spontaneous settlement. In the context of a full in-camp registration (which are conducted in a protected zone that refugees can safely access) the following process of collecting information is

[22] UN High Commissioner for Refugees (UNHCR). *UNHCR Note on the Principle of Non-Refoulement.* November 1997.

recommended: First, to enclose the camp and ensure that movement in and out of the enclosure is controlled. Second, to provide each refugee with a wristband, token, or gentian violent marker that identifies them as occupying the enclosed camp. Third, to collect wristbands or tokens and begin surveying basic household information (such as family size, name(s) of dependents, age(s) of dependents) in order to capture a census of camp occupants. Lastly to provide refugees with basic registration cards (detailing name, age, date of birth, nationality) identifying them as registered with that camp.[23]

Of note in these standards is the time-intensive, analog method for capturing information on refugees. The strict separation of responsibilities by UNHCR and governments in collecting detailed information from refugees was due in part to UNHCR's limited technological capacity in performing more than a high-level census. This is demonstrated by the recommendation against the photographing of refugees, as the practice was considered too costly to implement registration operations.[24] The creation of identification cards was also recommended for only those refugee populations that may require additional protection and services (such as emergency nutrition supplements and critical health assistance), as officers in the field often lacked the means to publish identification cards at their site.[25]

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[23] (UNHCR). *Registration: A Practical Guide for Field Staff.* 23-25.
[24] Ibid., 43.
[25] Ibid.

Rise of Biometric Data Collection

Technological advancements made available to UNHCR field staff in the late 1990s began to shift data collection methods within refugee operations. In 1999, survivors of the Kosovo War were met in refugee camps with a robust registration campaign that set the standard for how modern registration would be coordinated.[26] Due to the large scale nature of the conflict, UNHCR struggled to register all the Kosovan refugees, many of whom lacked identification documents when entering a UNHCR camp. In response to this, Microsoft Corporation provided volunteer staff, as well as donating millions of dollars in software and equipment to help with registration procedures.[27] After spending an estimated four weeks to customize the software to suit registration needs, Microsoft handed to UNHCR its first refugee field kits.

Microsoft's field kids provided UNHCR staff with a laptop, color printer, and digital camera. An estimated 100 kits were donated to UNHCR for the Kosovo crisis, with the capacity to, "[produce] ID cards containing a photograph, signature, and two-dimensional bar-code including the coded refugee bio-data."[28] Then Deputy High Commissioner for Refugees Frederick Barton describes the acquisition of the field kits as a watershed moment in refugee relief history, stating that, "If you think about how we've done it for the 50 years of the UNHCR's existence, and probably for years before — essentially with

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[26] Lodinova, Anna. "Application of biometrics as a means of refugee registration: focusing on UNHCR's strategy." *Development, Enviornment, and Foresight* 2, no. 2 (2016): 93.
[27] Microsoft Corporation. "U.N. Official Praises Microsoft Employees for Helping Refugees." 6 July 2000.
[28] Lodinova, "Application of biometrics." 93.

paper and pencil and lists of people — then you would think it does fit that description.[29] The success of the field kits in Kosovo led to their being deployed in India in 2000, with the stated objective of also rolling them out in Nigeria, Kenya, and Zambia. The kits, and the process by which they eased registration, soon evolved into UNCHR's preliminary Project Profile initiative, a strategy to study the optimization of global refugee registration.[30]

We can understand Microsoft's involvement in the refugee operation as a demonstration of corporate social responsibility, yet still recognize the ways in which it developed a market to expand need for its services. Readily available technology that could produce identification documents with embedded biometric information dramatically changed how UNHCR conducted refugee registration. The limits on what information could be stored on identification cards and within registration systems were greatly reduced. Rather than a question of staff capacity, the production of documentation became focused on what types of information could be requested of refugees, and how much. Only five years prior to Microsoft's involvement with UNHCR, the standard recommendation was to strictly limit the use of photographs in building registration systems. Yet with advanced equipment and a greater ability to print identification documents onsite, UNHCR was given the capacity to make use of digital photography as commonplace in registration operations.

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29 Microsoft Corporation. "U.N. Official."
30 Lodinova, "Application of biometrics." 93-94.

In 2001, UNHCR's Executive Committee passed general conclusions detailing how registration should be guided in the context of refugee operations.[31] It explicitly recommends that registration be understood as a dynamic process, abide by the principle of confidentiality, be conducted non-threateningly, and be coordinated by trained, representative staff.[32] It goes on to provide new recommended standards for information sharing between UNHCR and signatory states:

> [The Executive Committee] encourages States and UNHCR to introduce new techniques and tools to enhance the identification and documentation of refugees and asylum-seekers, including biometrics features, and to share these with a view towards developing a more standardized worldwide registration system[33]

The vision of a worldwide registration system alludes to UNHCR's prioritization of tracing displaced individuals. With complex refugee operations occurring throughout the 1980s, UNHCR faced mounting pressure by states to make better use of resources and provide evidence of need.[34] This consequently led to UNHCR's preoccupation with enumeration, defined as the process of counting refugees in order to balance the supply of material aid.[35]

The process of enumeration is a reasonable means of determining how much aid to appeal for during a given situation. Yet data collected during the process of

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[31] It is worth noting these conclusions were passed following 9/11, speaking to the need for heightened international security measures in regulating travel across borders.

[32] UN High Commissioner for Refugees (UNHCR*). Conclusion on Registration of Refugees and Asylum-seekers No. 91 (LII) – 2001. 5 October 2001*, No. 91 (LII) - 2001

[33] Ibid., Article 5, Section C.

[34] Harrel-Bond, Barbara and Efthia Voutira, and Mark Leopold. "Counting the Refugees: Gifts, Givers, Patrons and Clients." *Journal of Refugee Studies* 5, no. 3-4, (1992): 212.

[35] Ibid., 218.

enumeration can be shared with third-parties (such as partner governments) to the potential detriment of a refugee's information security. This is seen by an important section of the resolution demonstrating UNHCR's willingness to cooperate with governments in sharing refugee data with the aim of addressing fraud and unauthorized migration:

> [The Executive Committee] recognizes the confidential nature of personal data and the need to continue to protect confidentiality; also recognizes that the appropriate sharing of some personal data in line with data protection principles can assist States to combat fraud, to address irregular movements of refugees and asylum-seekers, and to identify those not entitled to international protection under the 1951 Convention and/or 1967 Protocol.[36]

This passage demonstrates UNHCR's willingness to use registration data for multiple purposes outside the context of refugee operations. While it is clear that UNHCR values the privacy of refugees, there remains a persistent lack of clarity on what types of information may be shared with states, and under what circumstances refugees may be protected from the sharing of that data.

The latest version of UNHCR's registration procedures were released in 2003, and supersede the 1994 document. By this point, refugee registration utilizing biometric data stored both in document systems and embedded into identification cards had been in operation for four years. As can be expected, the new registration policies account for this change and provide standards on collecting biometric data. For perhaps the first time in its documentation, UNHCR provides clear guidelines on the management of iris scans

[36] UNHCR. "Conclusion on Registration." Article 6, Section F.

and fingerprints, as held within its database system.[37] The Project Profile initiative, which had been initially rolled out in Kosovo, is detailed as the standards database by which all refugee documentation should be stored and verified. Perhaps due to the sophisticated nature of the database, this guidebook serves as one of the first documents demonstrating the expansion of UNHCR's biometric capture capacity.

In 2004, UNHCR transitioned away from its Project Profile initiative into a fully unified database called proGres (Profile Global Registration System). This database was built in cooperation with Microsoft, and remains the core documentation structure used in refugee operations to this day. A key point in the development of the proGres system was in optimizing the means by which refugee status determination could be completed by providing government partners with readily accessible data on registered beneficiaries. With proGres, UNHCR reached its vision fairly early on to develop a worldwide refugee registration system. The proGres system can be accessed by officers in field locations around the world, allowing for everything from the effective enumeration of refugees to better account for food rations to facilitating the final stages of an individual's refugee status determination process in a host country.[38]

proGres version 4 is currently in build, with implementation using a Microsoft Dynamics CRM solution. Since 2003, proGres has been optimized to better address

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[37] UN High Commissioner for Refugees (UNHCR). *UNHCR Handbook for Registration: Procedures and Standards for Registration, Population Data Management, and Documentation* (2003): 141.
[38] Ibid.

UNHCR needs pertaining to advanced "registration, population, and case management.[39] Mark F N Franke presents concerns over this advancement in virtualized refugee management by UNHCR, stating that it forces the agency to at times go against its principles in protecting the human rights of refugees:

> rather than [UNHCR] representing them [refugees] as subjects of rights to whom the international mechanisms of human rights protection ought to respond, the virtual mapping of refugees intensifies and regularises the manners by which they are already plotted out as fixable objects at whom merely humanitarian assistance must be targeted.[40]

While the mandate of UNHCR is to protect the rights of refugees, Franke argues this advancement in virtualization makes refugees more vulnerable to structural inadequacies that compartmentalize the struggle of forced displacement into a matter of resource matching based on registration data. It is very likely that characterizations of refugees as "fixable objects" will only increase as the capacity to collect more information is incorporated into later versions of proGres.

A 2017 evaluation by the UN's Office of Internal Oversight Services echoes Franke's concerns regarding the structural problems that occur in this hyper virtualization of refugees. During case reviews of registration operations, evaluators found evidence that refugees who refused to register with UNHCR experienced an "exclusion error." One example of refusal was done on the grounds that the refugees feared their data would be shared with the government persecuting them. Because of their refusal, they were

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[39] UN High Commisioner for Refugees. "Request for Proposal: RFP/2015/723: For Establishing Frame Agreement(S) for the Provision of Microsoft Dynamic CRM Skills." (2015): 4.

[40] Franke, Mark F. N. "Refugee Registration as Foreclosure of the Freedom to Move: The Virtualisation of Refugees' Rights within Maps of International Protection." *Environment and Planning D Society and Space* 27, no. 2 (2009): 361.

consequently denied access to assistance and protection.[41] Much can be read in these episodes of exclusion error. The fact that enumeration has become such a dominating factor in humanitarian service that refugees who refuse to register as part of the process are denied services is alarming. Perhaps most troubling is UNHCR inability to guarantee refugee populations that that information shared by them would be protected from extraction by the potentially harmful parties.

The evaluation presents a number of recommendations for UNHCR to follow in optimizing its registration system. Two recommendations are key in UNHCR addressing biometric data management within its proGres system. The first is updating its registration procedures guidebook. There have only been two editions of the procedures (1994 and 2003), failing to keep up to speed with protocols on handling the large amounts of personal refugee data now collected by UNHCR.[42] The second deals with UNHCR honing its data collection practices to ensure it only collects data most relevant to its needs.[43] This recommendation is particularly nuanced, interpreted throughout the evaluation in a number of ways. It primarily addresses the importance of registration as effectively capturing data used to "measure the relevance, effectiveness, and efficiency of inter-agency humanitarian action," meaning here enumerative data that ensures an optimal use of funds. Yet there remains a constant thread in the report that imagines how

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[41] UN Economic and Social Council (ECOSOC). *Evaluation of the Office of the United Nations High Commissioner for Refugees (UNHCR) for 2017*. 21 March 2017, E/AC.51/2017/10. 31.
[42] Ibid., 32.
[43] Ibid., 33

registration and more effective data collection could address problems not yet known to UNHCR, providing refugees with aid they themselves were not aware they needed.

Registration by UNHCR has often times been complicated by a grey relationship between what authority is given to whom in the registration process. The recent evaluation examines the murkiness of this process in detail, providing examples in Jordan, Ecuador, and Kenya wherein parties ranging from refugees, humanitarian officers, and government officials were unclear as to who had the authority to do what.[44] This confusion is compounded by a lack of standards on what types of information is expected to be shared between UNHCR and host governments. The evaluation found that of the twelve countries that formed part of the analysis, nine had memorandums of understanding explicitly on data sharing. However, a lack of standardization in how MOUs are handled demonstrates that while they can be written, they are only as good as they are acted upon.[45]

Critical Overview: Biometrics and the Digital Refugee Body

This section addresses the current state of biometric data collection pertaining to registration as conducted by UNHCR. Detailed evidence on what types of information is requested and how they are used can be found in the later case study of the Dadaab refugee complex. At the time of writing, there have proven to be few critical studies tracing the rise of biometric data collection by UNHCR. Perhaps the clearest voice in studying this phenomenon is Katja Lindskov Jacobsen. In her article "On Humanitarian

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[44] Ibid., 9.
[45] Ibid., 31.

Refugee Biometrics and New Forms of Intervention", Jacobsen outlines the dangers of how UNHCR's attentiveness to biometric refugee registration potentially extends the power of states over refugees, rather than guarding them against intrusion and violence. The digital refugee body, as Jacobsen describes it, becomes vulnerable to unwarranted search and seizure by state authorities.[46] The dangers of readily accessible documents uniquely attributed to refugees opens a new domain on interventions that has not been explored, and brings with it an increased risk of abuses directed towards refugee populations. As Jacobsen states:

> it seems that what gets constituted in these debates about the legitimacy of intervening in the digital refugee body is not so much the meaning of acceptable and unacceptable forms of statehood, but rather the meaning of acceptable and unacceptable forms of life – whose digital bodies it will accordingly be illegitimate or legitimate for states to intervene in.[47]

Conceptualizations of the security state demarking individuals as "safe" and "unsafe" is directly correlated with Jacobsen's concerns on illegitimate and legitimate digital refugee bodies. In the context of a global war on terror that creates hyper-secure borders and indefinitely jails asylum seekers without bond hearings, the power of registration documents recognizing inalienable refugee status cannot be understated.[48] Jacobsen goes on to state that, "the belief that biometrics can identify terrorists 'disguising themselves as refugees' depends on a constitution of digital refugee bodies as legitimate targets of

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[46] Jacbosen, Katja Lindskov. "On Humanitarian Biometrics and New Forms of Intervention." *Journal of Intervention and Statebuilding* 11, no. 4, (2017). 540

[47] Ibid., 544.

[48] See: Montanaro, Domenico et al. "Supreme Court Ruling Means Immigrants Could Continue To Be Detained Indefinitely." *NPR.org*, 27 February 2018.

intervention *prior to or indeed irrespective of* any 'unsafe' undertaking."[49] The a priori expectation of states to use biometric registration records remains a high concern in refuge information privacy studies. Yet UNHCR remains slow in addressing these concerns, as evidenced by the 2017 OIOS evaluation.

In 2013, UNHCR launched large scale testing of biometric registration at sites in Malawi under an initiative called the Biometric Identity Management System (BIMS). Processes used as part of BIMS registration include fingerprint and iris scanning, using equipment and staging grounds to facilitate facial recognition programs.[50] After success in Malawi, BIMS was rolled out to UNHCR Thailand, with the expectation that future sites would be selected. It is not readily clear how BIMS will be incorporated into the proGres system, or if it will remain operational outside proGres initiatives. Yet despite its special status within global operations, BIMS provides further evidence of UNHCR's struggle to situate consent and confidentiality as a core standard in its registration procedures.

A 2016 OIOS evaluation of BIMS echoes many of the concerns present in the evaluation of refugee registration at large. The first main concerns deal with communication to refugees on what information is required of them and how it will be used. Four of the five country operations studied in the evaluation are described as having inadequate public information practices, with critical information being misrepresented

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49 Jacobsen. "On Humanitarian Biometrics." 544.

50 UN High Commissioner for Refugees. "Biometric Identity Management System: Enhancing Registration and Data Management." *UNHCR'S Division of Programme Support and Management Key Initiative Series.* 2016.

during initial registration procedures.[51] Examples of this include UNHCR officers in the Democratic Republic of Congo (DRC) and Chad including an acceptance query as part of the interview script that asks, "whether the refugees accepted that their personal information could be shared with the government or other UNHCR partners."[52] This is in sharp contrast to information provided to refugees in Thailand, where interview scripts communicated to registrants that UNHCR was, " obliged to confidentiality and that information provided by the person of concern would never be shared with anyone from the country of origin or other organization without the consent of the person of concern."[53]

The false nature of UNHCR Thailand statements can be seen in the regular transfer of refugee personal data to the Thai government. These transfers were conducted without an assessment of the government's data protection protocols or through signed data transfer agreements.[54] Lack of confidentiality can also be seen with UNHCR staff in DRC transferring lists of refugee students living in DRC to UNHCR officers in the Central African Republic. It is not clear whether this transfer was conducted by means of data transfer agreements, yet the audit makes clear the government of the Central African Republic was a recipient of these transfers, potentially endangering the students later on.[55]

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[51] UN High Commissioner for Refugees. *Audit of the Biometric Identity Management System at the Office of the United Nations High Commisioner for Refugees AR2016/163/03.* (2016): 10.
[52] Ibid.
[53] Ibid.
[54] Ibid., 11.
[55] Ibid.

Central to the audit's evaluation of BIMS is a lack of conformity to and limited knowledge of UNHCR's "Policy on the Protection of Personal Data of Persons of Concern to UNHCR." Published in 2015, this document serves as the most recent framework by which data related to "Persons of Concern" (including refugees, asylum seekers, internally displaced populations, and others provided with UNHCR aid; hereafter Persons) can be handled to protect against abuse. While UNHCR's registration guidebook has not been updated since 2003, its personal data protection policies provide new mandates on data security in a humanitarian context. Of relevance to the scope of this report are the document's guiding principles related to consent, privacy of data, and transfer of data to third parties in collecting data from Persons.

Consent is a central component of the policy document, and all Persons must be given the opportunity to consent to having their data collected, transferred, and changed.[56] The means by which consent is determined includes a written or oral statement, or an otherwise clear affirmative action. While the means for interpreting consent are laid out, what is not made clear is how consent is collected and stored. As stated earlier in this report, proGres v. 4 is described as allowing Persons to detail what points of data they consent to having collected, yet this functionality is not detailed in the report nor are other means of verifying consent after the fact present.

Like consent, privacy of data is a fundamental component of the guiding policies. Officers in charge of collecting data must ensure that information is stored in a secure

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[56] UN High Commissioner for Refugees. *Policy on the Protection of Personal Data of Persons of Concern to UNHCR.* (2015): 19-20.

location, and that all communications sharing the data be sent over secure channels.[57] The importance of confidentiality is stressed even after the end of a Person's involvement with UNHCR, and plays a large factor in policies regarding data transfer to third parties. UNHCR employs a broad mandate to transfer data in a full and complete form to third parties, as demonstrated by special policies regarding transfer of data to national or international law enforcement officials. As the policies state, UNHCR reserves the right to transfer data to aid law enforcement officials in, "the detection, prevention, investigation, or prosecution" of a crime.[58] A number of contingent requirements appear to scope the release, including that "[t]ransfer does not disproportionately interfere with a data subject's or another [Persons] right to privacy or other human rights," yet this is difficult to reconcile given the broad mandate of transfer in seemingly all circumstances.[59]

While the report strongly emphasizes that transfer only be conducted when there are clear agreements between UNHCR and the state, the OIOS evaluation demonstrated registration and data sharing does not always occur in these circumstances. Even when these transfer and general data generation agreements exist, the evaluation points out they mean only as much as UNHCR's ability to enforce compliance. A number of cases demonstrate how UNHCR potentially lacks teeth in protecting its biometric data as donor states (including its biggest donor, the United States) push for increased global biometric

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[57] Ibid., 25-26.
[58] Ibid., 38.
[59] Ibid.

registration.[60] UNHCR needs to demand compliance with its data management policies before allowing partner governments access to biometric data. Even demanding that donor states treat refugee biometric data in a manner similar to that of biometric data obtained from their citizens would offer more protection than the disingenuous nature of UNHCR's current transfer protocol.

Biometric management policies within UNHCR have a long way to go in adequately addressing the realities of what it means to create, use, store, and share data collected from refugees. Technological advancements in less than twenty years have already presented UNHCR with huge amounts of data, and more problems compounded by similar advancements may arise in as many years. Yet the difference between where UNHCR is now vs. where it was in 1998 is that it has a better picture of how those advancements may impact the populations it is mandated to protect.

The current policies, wherein UNHCR is able to share data with national and international law enforcement officials without a court order is one that prioritizes maintaining relationships with such authorities rather than one that seeks to protect refugees first. By developing and enforcing strong data protection policies now, UNHCR would be prepared to mitigate what it means for third parties to have access to refugee biometrics. And most importantly, as recommended by the OIOS evaluation, UNHCR is long overdue in updating its 2003 guidebook on registration procedures. There are simply too many technological and political pressures (i.e. the pressure to collect as much data as

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60 See Nillasithanukroh, Songkhun. "Rethinking the Use of Biometric Systems for Refugee Management." *Chicago Policy Review.* 24 February 2016.

possible) guiding UNHCR's work in the absence of clearer procedures for field offices. The process of registration and biometric data management presents a number of actors who all have strong interests in how that data is used. I argue that refugees have first claim in determining how their data is used, yet the realities with regard to biometric data prioritizes the needs of states and humanitarian officers (likely the same in other aspects of humanitarian assistance). The following section demonstrates how these pressures shape humanitarian intervention in respect to the Dadaab refugee complex. It serves to better frame how technological changes in registration operations have allowed for new forms of humanitarian intervention as guided by the external pressures.

Case Study: UNHCR and the Government of Kenya's Use of Biometric Data in Dadaab

The Dadaab refugee complex was opened in 1991 by UNHCR, initially serving as a collection of transit camps for populations fleeing Somalia during the early years of the civil war. The camp was opened in Garissa County, Kenya, a historic Somali territory ceded to Kenya by British authorities following 1960s post-colonial transition.[61] Nearly thirty years of instability in the region forced the temporary transit camp to grow into a large network of what are now four camps: Dagahaley, Ifo, Ifo 2 and Hagadera.[62] The complex has a current population of 235,269 comprised of multiple generations of Somali, Sudanese, Ethiopian, and other nationalities that have been born in or are forced to reside in the camps due to protracted security situations within the region.[63]

The foundational relationship between registration and refugee status determination between UNHCR and hosts governments was difficult to navigate for a number of years in Kenya. In 1993, the Kenyan government discontinued its refugee status determination procedures (RSD), a critical step in the registration process that protects displaced persons under the international refugee conventions and protocols.[64] Sporadic RSD procedures were conducted in the years that followed, leaving only some refugees covered by conventions. To address the gap in Kenyan legislation, UNHCR both

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61 First, see: Somali elders. Then, perhaps see: Vallat, Francis. *First report on succession of states in respect of treaties: International Law Commission twenty-sixth session.* (1974): 20.

62 UN High Commissioner for Refugees. "Dadaab Refugee Complex." *Unhcr.org* (2018).

63 Ibid.

64 UN High Commissioner for Refugees (UNHCR). *Analysis of Refugee Protection Capacity – Kenya*. (2005): 4.

registered and performed RSD procedures for all refugees in the Dadaab camp. This was changed in 2006, when Kenya began a transitional period to start up its RSD procedures.[65]

A consequence of Kenya once more serving a procedural role in RSD is that refugee registration in Dadaab was tightened to ensure an efficient use of resources. Beginning in 2007, the Kenyan government and UNHCR began actively collecting fingerprints from refugees to ensure there was no double registration.[66] This additionally served the purpose of ensuring that no Kenyan citizens were being registered as refugees, a potentially difficult problem given the areas majority population being historically Somali.

The difficulty in ensuring no double registration was compounded by a regional drought in 2011 that forced large numbers of Kenyans in the areas to register as refugees in order to receive basic aid.[67] In an effort to once more get a controlled handle on refugee registration, the Kenyan government and UNHCR rolled out en masse biometric registration operations. Beginning in 2016, these operations included fingerprinting as well as iris scans to provide two-factor authentication in the initial registration process.[68] This operation proved the first instance of UNHCR's use of BIMS to collect and store

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65 University of Oxford Refugee Studies. *Refugee Status Determination and Rights in Southern and East Africa, International Workshop Report 16-17 November 2010, Kampala, Uganda.* University of Oxford (2010): 3.

66 IRIN. "From a life of fear to a life in limbo." *Irinnews.org.* 24 January 2011.

67 UN High Commissioner for Refugees. *Kenya Comprehensive Refugee Programme 2016: Programming for Solutions.*UNHCR. (2016): 12.

68 Ibid., 32.

both fingerprints and iris scans in Dadaab. By September 2017, over 20,000 individuals in Dadaab had been registered through BIMS.[69] The biometric records collected from refugees are available to the Kenyan government through data sharing agreements that grant access to UNHCR's database.[70] It is not clear what the extent of this data sharing is, yet the initiative for it likely has to do with Kenya's years-long effort to close Dadaab and ensure refugees do not return.

Kenya has an aggressive record in mitigating the return of refugees to Dadaab. This is despite the fact that instabilities such as conflict, drought, and low economic opportunities dramatically affect the quality of life for the region's population. In 2014, UNHCR and the government of Kenya began incentivizing voluntary repatriation by offering support to refugees leaving Dadaab.[71] Yet due to the lack of social protection in Somalia, many refugees have been forced to return to Dadaab. In response to this, the Kenyan government prohibited UNHCR from once more registering returnees as refugees in Kenya.[72] A government official in Kenya explained the reason behind this decision as follows: "If we repatriate 1,000 but then 1,000 new arrivals come, we would not be getting the job done."[73]

The job referred to by the Kenyan official is the closure of Dadaab, communicated in a language of enumeration that privileges the absence of refugees. The

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69 UN High Commisioner for Refugees. *Operational Update: Dadaab, Kenya, 16-30 September 2017.* UNHCR. (2017): 1.
70 UNHCR. *Kenya Comprehensive Refugee Programme.* 13.
71 UNHCR. *Operational Update.* 1.
72 Human Rights watch. "Kenya: Involuntary refugee Returns to Somalia." *Hrw.org.* 14 September 2016.
73 Ibid.

consequences of this are thousands of persons who qualified as refugees before their voluntary repatriation are now living in the Dadaab complex unregistered.[74] The phenomena of purposefully not registering refugees demonstrates concerns addressed earlier in this report on government preoccupations with enumeration rather than with the care of refugees. This focus of enumeration disenfranchises legitimate refugee claims from being addressed, locking out the unregistered populations in Dadaab from resources to which they are lawfully entitled.

In the context of Dadaab, UNHCR's optimized biometric registration database is being employed to facilitate large scale exclusion tactics that deny individuals their internationally protected right to be recognized as refugees. Kenyan officials are pairing this with intimidation tactics that cause those unregistered in Dadaab to remain dislocated from services and community life, in fear that if they seek out such services they will be refouled to their country of origin.[75] In 2017, Kenyan officials announced they would not pursue plans to close Dadaab in the immediate future. Yet previously registered individuals continue to be denied the right to live in Dadaab as authorized refugees.

The Kenyan government could not have mandated biometric registration without UNHCR's cooperation. Over the course of their partnership, there were at times distinct priorities between the two parties in guiding for biometric adoption. UNHCR sought to conform Dadaab with its global standards for refugee registration, in order to present to

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[74] Ibid.

[75] See: Amnesty International. *Nowhere Else to Go: Forced Returns of Somali Refugees from Dadaab Refuge Camp, Kenya,* (2016): 13-15.

donor countries a better representation of needs. This key priority aligned with those of the World Food Programme (WFP), who sought to optimize food distribution in Dadaab by tackling the issue of enumeration and refugee registration. Beginning in 2013, UNHCR and WFP signed an MOU to begin food distribution operations in Dadaab as facilitated by biometric identification, setting a new standard in country for how food distribution would continue.[76]

A 2015 evaluation titled "Joint Inspection of the Biometric Identification System for Food Distribution in Kenya" addresses how the operation was coordinated and included recommendations for what needs to be changed in the future. UNHCR was able to modify its biometric system developed in 2007 to accommodate food distribution, and developed with WFP a business process in distributing food around that system. In brief, the process consisted of having authorized beneficiaries with biometric data in the proGres system go through the distribution center to collect their food items, with their biometric data validated at designated points. The following excerpt from UNHCR and WFP's *Joint Inspection of the Biometrics Identification System for Food Distribution in Kenya* describes this process in more detail, providing information on how the initiative designated registrants as authorized to collect food:

> A genuine food collector is classified as any member of a refugee household (or an alternate) whose profile is recorded in the proGres database and is 15 years of age or older. If the match is positive, the ration card is embossed and the food collector is granted access to the food distribution corridor. The staff at reception

[76] World Food Programme. *Dadaab and Kakuma Refugee Camps Market Assessment*, (2014): 14.

> desk checks each index finger twice… The positive or the negative match is recorded in [proGres].[77]

Overall, the initiative was considered to be a success, and a model for how joint operations can be handled in other countries. By 2014, the program had identified 80,000 beneficiaries in both Dadaab and Kakuma who did not qualify for food distributions. The final results of the operation led to an estimated savings of USD $1.4 million/month.

A key component of the operation was in the sharing of biometric data between UNHCR and WFP, leading to the method of using biometric data in the regular practice of food distribution rather than at the initial moment of registration. This reflects the earlier mentioned concept of biometric data as collected with the potential that it may lead to new forms of intervention in the future. While the information may continue to be collected, the evaluation provides evidence of two challenges that appear frequently in UNHCR's handling of biometric data. The first is that MOUs between WFP and UNHCR remain unaudited since initial signing in 2011, failing to account for foundational changes to biometric data security such as UNHCR's 2015 personal data management procedures.[78] A more recent evaluation of the food distribution problem has not been conducted, but it is likely that similar issues lack of implementation will echo the 2017 OIOS evaluation of registration.

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[77] World Food Programme and UN High Commissioner for Refugees. *Joint Inspection of the Biometrics Identification System for Food Distribution in Kenya.* WFP Office of the Inspector General and UNCHR Inspector General's Office, (2015): 8.
[78] Ibid., 4.

The second challenge is more widespread, and deals with the direct handling of the data as inputted by officers onsite. Recommended encryption tools are not used in laptops in the distribution center, and there has been no network analysis onsite to determine that data sent from the center to other computers is secure. Data directly entered onsite includes that information used when refugees are denied food distribution, for problems ranging from a bad read of their finger to declarations of their lack of authorization in acquiring food.[79] This process demonstrates that biometric data as used for authorization no longer presents simply an "exclusion error" for those refugees not in the system. The error in earlier cited operations was due to refugees refuging to register their information. Yet now, even those refugees who have an internationally recognized right to access humanitarian services and have registered with UNHCR are structurally disenfranchised from aid. This disenfranchisement could only have been facilitated by means of biometric data capture, and speaks to the potential for humanitarian organizations to leverage this data in future operations.

[79] Ibid

Conclusion: Recommendations on Biometric Data and Refugee Rights

This report has studied the rapid implementation of biometric data as part of UNCHR's refugee registration operations. Over the past twenty years, there have been few global standards in ensuring that biometric data is protected so as not to harm registered refugees. This lack of protection is best evidenced by two common problems:

1. A lack of understanding across all UNHCR sites on disclosing to refugee registrants the security standards governing access and use of their data
2. A frequent lack of written agreements between operational partners regarding the sharing and administration of biometric data, allowing for information to be utilized without adequate governance.

The context of these problems has been addressed throughout this report, yet bears repeating here. Pressure from international donors to better administer humanitarian operations has led to an over-prioritization of enumeration, wherein beneficiaries of aid are strictly delimited in order to conserve resources. I say over-prioritization to speak to the previously mentioned concept of beneficiaries as fixable objects, a term used to precisely locate and define authorized beneficiaries and the resource-oriented ways they can be aided. This notion of fixity is in direct conversation with the global movement to track migration and prevent the unauthorized movement of humans across borders. As demonstrated with the example of UNHCR sharing biometric data of student-aged refugees from Uganda to partner authorities in the Central African Republic, the compulsion to fix refugees into designated spaces is global in its scope and potentially leaves them vulnerable to heightened surveillance by the state.

There have been many recommendations within the audits of UNHCR's registration operations that provide meaningful alternatives to current data management practices in the field. The most common of these recommendations include better documentation regarding the sharing of biometric data, as well as better conformance to 2015 policies on managing personal data. Yet what is missing from these recommendations is the explicit authority that refugees have to be the sole owners of their biometric data. This is not a radical concept. Few records are as personal as those generated through biological processes. As more advanced methods of documenting identity are normalized, there needs to be established a professional culture that recognizes the deep intimacy between this data and an individual's identity.

Recent scholarship in the field of archives and records management has sought to reorient the notion of custody associated with records from beneficiaries of state services. A 2017 report titled "Setting the Record Straight: For the Rights of the Child" details an Australian initiative to center the record-keeping rights of children who have been part of out-of-home-care by the state. The purpose of the initiative is to ensure that record-keeping practices associated with out-of-home care operates within a system that protects children, not one that facilitates their abuse and neglect through the mismanagement of data.[80] The Rights of the Child initiative has a national scope working to reorient the relationship between records creators (including children, parents, caseworkers, and

[80]See: Setting the Record Straight for the Rights of the Child Initiative. "Strategic Plan." 2017. Available at http://rights-records.it.monash.edu/wp-content/uploads/2018/02/Strategic_Plan_Final_Amended.pdf

various officials) in order to detail their needs as situated within the context of the rights of children out-of-home.

There are distinct corollaries between children out-of-home and forcibly displaced refugees. These are relative to the means by which a large number of records creators and other stakeholders seek to create policies affecting access, use, and security of data for populations under the social protection of the state. Future scholarship in the field of refugee studies has an imperative to place the entirety of the Rights of the Child (RoC) framework atop those concerning the biometric rights of refugees.[81] For the context of this report, the framework will be applied to the frequently cited problems arising from the global rollout of UNHCR's biometric registration operations. The following section provides a list of three recommendations to begin a conversation on how archives and records management ethics can help to reorient the rights that refugees have regarding their biometric data.

Recommendation 1: Deletion of Biometric Data Following the Intervention

RoC Framework: Memory Right, "The right to be forgotten."

Refugees have the right to full control over their biometric data, most notably in the time following an intervention. "Deleting" here is understood as the full and complete destruction of biometric data from UNHCR's electronic and physical recordkeeping systems. This control should be evidenced by UNCHR deleting upon a refugee's request any biometric data contained within their global registration systems. The purpose of

[81] These include: Identity Rights, Participation Rights, Access Rights, Rights to Privacy and Safe Recordkeeping, Proactive Disclosure Rights, Accountability Rights, and Memory Rights.

deleting this data is to ensure that biometric records collected by UNHCR serve the sole function of providing humanitarian assistance during localized operations. While the right to be forgotten is here reserved for those who request the service, the potential for it to include all biometric records following an operation is a possible solution for the future.

Recommendation 2: Baseline Disclosure Language Shared Across UNHCR Sites

RoC Framework: Proactive Disclosure, "Be informed of when and why others are given access to your records."

Refuges have the right to access baseline disclosure language communicating to them the limits of UNHCR's biometric data security. This statement should be disclosed during the in-take and registration process. As it is a baseline statement, it would not need to go in-depth regarding the management and sharing of that data with country authorities. Rather, it would provide a high-level understanding that UNHCR is obligated to share this information with authorities in certain circumstances. The importance of a baseline disclosure statement shared with UNHCR field offices would better address the communication errors stemming from field staff falsely disclosing full confidentiality while maintaining a data sharing partnership with government authorities.

Recommendation 3: Secondary Authentication Methods to Prevent Exclusion Error

RoC Framework: Participation Rights, "Decide what is recorded about you in organizational systems."

Refugees have the right to reject registration through biometric means and still be provided with humanitarian assistance. When biometric authentication fails, refugees

have the right to be authenticated using alternative methods. The notion of exclusion error, wherein beneficiaries of aid are excluded from services due to circumstances related to registration, has been evidenced in multiple UNHCR refugee operations.[82] UNHCR has an obligation to adhere to the conscientious objection of beneficiaries who refuse to register their biometric data. Refugees have the right to demand secondary authentication methods other than biometric registration in order to obtain services. This secondary authentication includes the use of documents, cards, tokens, wristbands, or other forms of non-biometric records that credibly validate a refugee's status and grants them all humanitarian benefits.

Final Reflections

An ethical response grounded in the biometric rights of refugees can help UNHCR to grapple with what it means to have collected huge quantities of biometric data from refugees. The dangers in an expansion of biometric data within refugee registration operations do not come from their presence, but from their poor governance. The use of biometric data to exclude populations from humanitarian assistance should be fought with a more nuanced approach that ensures a refugee's internationally recognized rights are not stripped from them. As demonstrated by the Rights of the Child initiative, critical archivists and records managers can inform decision making on reframing data practices to account for social reform and the meaningful care of populations. We can

[82] This can most recently be seen in the WFP/UNHCR collaboration to optimize food distribution along biometric means. Refugees who were not registered in the system were refused entry into the food distribution center. In a similar manner, refugees who failed to be authenticated despite being in the system were then unable to access the distribution center after a set number of failed attempts.

hope that as UNHCR updates its procedural documentation regarding the management of biometric data, critical records management principles will be referenced to better center the biometric rights of refugees.

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See Nillasithanukroh, Songkhun. "Rethinking the Use of Biometric Systems for Refugee

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