

# Faces and Rights: An Analysis of Biometric Datafication in Migration Regularization

CORPORACIÓN CAMBIO SOSTENIBLE



# DATAFICATION AND DEMOCRACY FUND

## Final Narrative Report

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## PROJECT SUMMARY

The ‘Faces and Rights’ project, led by Cambio Sostenible, aims to analyze the impact of biometric datafication on the migration regularization process for the Venezuelan population in Colombia, with a special focus on the Temporary Protection Statute for Venezuelan Migrants (ETPV). The research focused on three key issues: consent and individual freedom, discrimination and constitutional justification, and the risk of mass surveillance and criminalization.

The study employed a mixed methodology adapted from Arias González’s Online Research Methods, gathering both qualitative and quantitative data through surveys and online interviews. Surveys were conducted with Venezuelan migrants benefiting from the ETPV to assess their perceptions of the mandatory biometric data collection. Additionally, interviews were held with key stakeholders in human rights and technology to explore potential violations of fundamental rights.

The analysis was structured around a focus on human rights, equity, and democratic participation. Over a six-month period, the project generated strategic recommendations for the protection of rights, transparency in the use of biometric data, and reducing inequalities in access to benefits.

## PROGRAM ACTIVITIES AND RESULTS

The research process was structured into three main phases: data collection, analysis, and the development of advocacy strategies.

The first phase involved collecting quantitative and qualitative data. A total of 31 surveys were conducted with Venezuelan migrants who are beneficiaries of the Temporary Protection Permit (PPT) in various parts of Colombia. The surveys gathered information on migrants’ perceptions regarding biometric data collection, process transparency, individual rights, and democratic participation. Simultaneously, 20 semi-structured interviews were conducted with key actors in the human rights and technology ecosystem in Latin America, including Colombian authorities such as Migración Colombia and the Ombudsman’s Office, as well as representatives from civil society, academia, and international organizations like LACNIC.

The results of this phase revealed significant tensions surrounding informed consent, discrimination, and the risk of mass surveillance. A total of 61.3% of surveyed migrants stated they did not recall signing an informed consent form, highlighting a serious lack of transparency in the data collection process. Furthermore, 83.9% felt that Venezuelan migrants were treated unequally compared to other populations. The data also showed concerns about surveillance and control associated with the use of biometric technologies, without sufficient guarantees for the protection of the collected data.

In the second phase, an in-depth analysis of the data from both the surveys and interviews was conducted, incorporating a multidimensional mixed-methods approach. The analysis identified critical deficiencies in protecting migrants' rights, the lack of data minimization, and the absence of a clear strategy for safeguarding the collected information.

The third phase focused on developing advocacy strategies. A hybrid forum was organized, bringing together key actors and previously surveyed Venezuelan migrants. During this event, a joint statement was created, expressing the participants' main concerns and demands regarding the use of biometric technologies. This statement was submitted to the Office of the Attorney General, the Presidential Human Rights Office, and the Ombudsman's Office. Based on these findings, a preliminary technical report was prepared and presented during a working session with the Ombudsman's Office. In this meeting, representatives of the Ombudsman's Office agreed on the need to review informed consent mechanisms and emphasized the importance of ensuring that biometric data is used exclusively for specific migration regularization purposes. Additionally, an agenda was established to promote joint actions with the Colombian state to review and regulate the mandatory use of biometrics in the identification of vulnerable populations.

**Details:** [https://cambiosostenible.org/datos-biometricos-y migracion-un-debate-sobre-transparencia-y-derechos/](https://cambiosostenible.org/datos-biometricos-y-migracion-un-debate-sobre-transparencia-y-derechos/)

Finally, as part of the advocacy strategy, additional meetings were scheduled with the Presidential Human Rights Office to continue working on an agenda focused on protecting migrants' rights. It was also announced that the official publication of the research will be released through the Datification and Democracy Fund. With these activities, significant progress has been made towards establishing an ethical and fair framework for the use of biometric technologies in migration processes in Colombia.

# MAIN LEARNINGS DURING THE PROJECT

During the execution of the project “Faces and Rights: An Analysis of Biometric Datafication in Migration Regularization”, we encountered a series of challenges that provided significant lessons for the organization. These lessons have not only shaped the development of this project but have also influenced how we structure and implement future research and advocacy initiatives. Below, we describe the main challenges and lessons learned:

## 1. Challenges in Data Collection and Community Engagement

One of the most significant challenges we faced was gathering data from the Venezuelan migrant population. Given the nature of migration and the vulnerability of many migrants, establishing contact for surveys and interviews was not always easy. Despite having digital tools at our disposal, we had to restructure some of our outreach and awareness approaches.

### Lesson learned:

The key was adapting to the realities of the migration context. We learned that having a robust methodology is not enough; flexibility is needed to adjust approaches when access to the target population is limited. In this case, increasing the presence of local facilitators and building trust networks with organizations working directly with migrants was essential for achieving effective participation. This taught us that, in vulnerable contexts, building trust must be the first step before gathering data.

## 2. Distrust of Biometric Data Collection

One of the most revealing conclusions of the research was the perceived lack of transparency among the migrant population regarding the use of their biometric data. A total of 61.3% of respondents did not remember giving informed consent, highlighting a significant lack of trust in migration authorities.

### Lesson learned:

This situation taught us that transparency and clear communication are crucial in any data collection process, especially when it involves sensitive information like biometric data. Although we did not directly control the collection process implemented by the authorities, it served as a wake-up call regarding the importance of raising awareness among vulnerable populations about their rights. This has reinforced our commitment to advocating for more inclusive and transparent policies and ensuring that our own practices as an organization reflect that level of openness.

### **3. The Importance of Key Stakeholder Engagement**

The involvement of key stakeholders such as Migration Colombia, the Ombudsman's Office, and international organizations like LACNIC significantly enriched the research analysis. However, coordinating schedules and ensuring active collaboration was a considerable logistical challenge, especially in a context where institutions had multiple responsibilities.

#### **Lesson learned:**

It is crucial to engage key stakeholders from the start as strategic collaborators. Building strong partnerships early on facilitated access to relevant information and improved the quality of the results. However, this process also taught us that proactive time management and constant communication are essential to effectively coordinate with such diverse entities. In future projects, we will invest more time in the planning and coordination phase, ensuring that key stakeholders are more actively involved throughout all stages of the project.

### **4. The Impact of Technology on Data Collection**

The use of technological tools for data collection (online surveys and interviews) was essential for reaching a geographically dispersed audience. However, we found that access to technology is not uniform, especially among the most vulnerable migrant populations.

#### **Lesson learned:**

While technology facilitates access to certain groups, we learned that hybrid approaches are necessary, combining traditional and digital methods. Digital exclusion remains a barrier in vulnerable contexts, so moving forward, we will prioritize inclusive methods, such as conducting in-person interviews when possible or creating community spaces where migrants can participate without relying exclusively on technological resources.

### **5. Challenges in Advocacy and Mobilization**

Another key lesson was that while we succeeded in developing a strong advocacy strategy and generating constructive dialogue with state entities responsible for human rights, such as the Ombudsman's Office and the Presidential Human Rights Office, driving political change is a slow process. Sharing the results and presenting a manifesto with recommendations was a significant achievement, but direct impact on migration policies will take more time.

**Lesson learned:**

Effective advocacy requires patience and persistence. This project taught us that public policy changes do not happen overnight, and that ongoing follow-up and long-term impact monitoring are necessary. We learned that sustained engagement with political actors, along with public outreach and citizen pressure, are essential to ensure that the recommendations from our research are considered.

**Useful link:** <https://cambiosostenible.org/wp-content/uploads/2024/10/Statement.pdf>

## MAIN OBSTACLES DURING THE PROJECT

During the implementation of the project, we faced various obstacles that, while representing significant challenges, were met with resilience and adaptability:

### **Reorganization of the Research Team**

One of the most critical moments occurred during the analysis phase when a key researcher on the team suffered a heart attack, leaving her unable to continue her role in the project. This unexpected situation could have posed a significant risk to the execution of the analysis. However, in an act of organizational resilience, we quickly adapted. Our translator, who not only handled linguistic responsibilities but also had extensive knowledge and experience in human rights, data, and internet governance, stepped into the role of researcher. This transition not only allowed the analysis to continue but also brought an enriched perspective to the research, thanks to her expertise in data and her ability to manage the technical demands of the project.

### **Coordination and Engagement with Key Stakeholders**

Another challenge was coordinating with key stakeholders, particularly governmental institutions, which often had overloaded schedules and other commitments, making it difficult for them to participate in scheduled activities. This required logistical adjustments and constant rescheduling of meetings and interviews to ensure that the voices of these institutions were included in the research.

The team's ability to adapt to these changes and flexibly manage the needs of key stakeholders was crucial to the project's success. While these delays were

challenging, we succeeded in engaging important institutions like Migración Colombia, the Ombudsman's Office, and the Presidential Human Rights Office. Their input was essential in gaining a comprehensive understanding of the implementation of biometrics in migration processes.

### **Mobilization and Advocacy**

One of the challenges in the final phase of the project was translating our findings into political advocacy. While we fulfilled the agreed agenda and presented preliminary results to the Ombudsman's Office, we recognize that implementing the suggested policy changes will require sustained long-term efforts. Although there is clear institutional interest in reviewing the use of biometrics in migration processes, the political transformation process is slow and depends on multiple actors and external factors.

Despite this challenge, we continue working on a joint agenda with the Ombudsman's Office and the Presidential Human Rights Office, moving toward the consolidation of a broader and more lasting advocacy strategy. The ability to persist and adjust expectations regarding the timelines and scope of the advocacy work was a key lesson that strengthened our perspective on the project's long-term impact.

## **RELATION WITH DATAFICATION AND DEMOCRACY**

### **1. Datafication and Informed Consent: A Challenge for Democracy**

One of the most relevant findings of the project was the perceived lack of transparency in the collection of biometric data by migration authorities. A total of 61.3% of surveyed migrants stated they did not remember signing an informed consent form, nor were they informed about how their data would be stored. Additionally, they were not given an alternative means of identification if they refused to provide biometric data, effectively conditioning the exercise of their fundamental rights on the submission of highly sensitive data. This raises serious questions about the democratic legitimacy of these processes. In a democratic state, informed consent is a fundamental pillar that ensures citizens understand and agree to the conditions under which their data is collected. The lack of clarity in this process not only violates migrants' individual rights but also erodes trust in the state institutions responsible for safeguarding these rights.



In this context, the concept of datafication goes beyond simple data collection; it represents a structural shift in the relationship between the state and its citizens. By transforming sensitive aspects of an individual's identity (such as biometric data) into processable information, there is a risk that the state prioritizes efficiency and control over participation and transparency. This directly impacts the quality of democracy, where informed and voluntary participation is crucial for the exercise of citizens' rights.

## **2. Securitization and Democratic Participation**

Another key aspect of the relationship between datafication and democracy revealed by the project is the use of biometric technologies as tools of securitization. Venezuelan migrants who participated in the research perceive that the use of their biometric data is not solely intended to facilitate their migration regularization but is also part of a broader mechanism of control and surveillance. This sentiment was echoed by several key actors interviewed, who warned of the risk that these technologies contribute to a surveillance state that undermines citizens' ability to participate freely in society.

Democracy relies on the active and informed participation of citizens in political and social processes. However, the perceived coercion in providing biometric data and the lack of viable alternatives for regularizing their migration status negatively affect migrants' ability to fully and voluntarily participate in the system. This sense of control and surveillance diminishes citizen empowerment and undermines fundamental democratic principles such as equality and freedom.

## **3. Discrimination in Datafication and Social Exclusion**

One of the most concerning issues that emerged from the project's findings was the perception of systematic discrimination against Venezuelan migrants compared to other populations. The fact that biometric data collection is mandatory only for Venezuelan migrants creates a disparity in access to rights. This structural exclusion, based on datafication, reinforces the notion that certain groups in society are subject to greater state control than others, weakening the principles of equity and justice inherent in democracy.

Social exclusion derived from datafication can have long-term consequences for the political and social integration of migrants. In an inclusive democracy, all citizens should have equal access to rights and opportunities, regardless of their origin or migration status. However, the

use of biometric technologies that appear to discriminate against certain groups threatens equal access to the benefits of the state, perpetuating structural inequality in society.

#### **4. Deficiencies in Data Protection and the Impact on Democracy**

Data protection is another central element in the relationship between datafication and democracy. The project revealed significant deficiencies in the mechanisms for protecting migrants' biometric data. Although authorities justify the collection of these data as a measure for security, efficiency, and preventing identity fraud, there is growing concern about the potential misuse or breaches of this information.

The lack of adequate protection for biometric data not only jeopardizes migrants' privacy but also undermines the democratic process. In a democratic system, the use of personal data must be subject to clear and transparent controls that ensure the information is not used for purposes that violate individuals' rights. The absence of such controls creates structural distrust that can erode the legitimacy of democratic institutions and their ability to guarantee justice and fairness.

#### **5. Recommendations to Strengthen Democracy in the Context of Datafication**

Based on the project's findings, several key recommendations have emerged to strengthen democracy in the context of datafication. First, it is essential to improve mechanisms for transparency and informed consent in the collection of biometric data. This would not only restore trust in state institutions but also ensure that citizens can make informed decisions about the use of their personal information.

Second, there is a need to establish a stronger regulatory framework that limits the use of surveillance technologies in migration processes and ensures that individuals' fundamental rights are not conditioned on providing biometric data, regardless of their origin or social status. This framework should be based on principles of equality, non-discrimination, and privacy protection.

Finally, the research suggests that it is essential to foster active citizen participation in the creation of public policies related to datafication. Democratic participation cannot be effective if citizens do not understand the implications of the use of their personal data or if they feel they are being controlled and surveilled.