

May 15, 2020

Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance
Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10

To whom it may concern:

I'm writing on behalf of Mijente, an immigrant rights advocacy organization in the United States, with submissions for the Special Rapporteur's call on digital border surveillance and enforcement technologies and their reinforcement of racial discrimination.

Immigration enforcement has expanded rapidly under the Trump administration. Officials at Immigration and Customs Enforcement (ICE), the agency responsible for deportations in the United States, have said that they are "open for business"¹ and will be targeting any and all undocumented people in the country for deportation.² Workplace enforcement investigations have quadrupled under the current administration.³ The American border enforcement agency, Customs and Border Patrol (CBP), has begun deploying heavily-armed pseudo-military units to cities across the country to carry out deportation raids,⁴ with hundreds of ICE immigration agents to support them.⁵

Private companies have played a substantial role in this increasing militarization. Our submission particularly concerns two private tech companies in the United States: **Palantir Technologies**, a data analytics company with significant contracts throughout the Department of Homeland Security and the Department of Defense, but particularly with ICE; and **Anduril Industries**, a surveillance startup with army and border enforcement contracts, including contracts to operate surveillance along the southern border.

The documents included below are particularly relevant to the Special Rapporteur's focus on potential human rights abuses enabled by digital border surveillance technology and the focus on identifying the actors involved in the governance and creation of this technology.

¹ "ICE chief: 80% jump in illegal targets, readies national 'sanctuary' crackdown," *The Washington Examiner*, 18 July 2017.

² "ICE Officers Told to Take Action Against All Undocumented Immigrants Encountered While on Duty," *ProPublica*, 7 July 2017.

³ "Workplace Immigration Inquiries Quadruple Under Trump," *The Wall Street Journal*, 5 December 2019.

⁴ "Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities," *The New York Times*, 14 February 2020.

⁵ "Flood the Streets': ICE Targets Sanctuary Cities With Increased Surveillance," *The New York Times*, 5 March 2020.

This submission includes several documents we have published and/or written, all of which can also be access online via the links included below:

- The first is a [report](#) titled **“Who’s Behind ICE? The Tech Companies Fueling Deportation”** that details links between tech companies and ICE, the agency responsible for deportations in the United States. The report notes how Palantir fuels deportations by facilitating data sharing of migrants’ biometric data, financial information, property records, addresses, and other personal data.
- The second is a [report](#) titled **“The War Against Immigrants: Trump’s Tech Tools Powered by Palantir”** that delves further into how Palantir’s tools have been used by ICE, naming specific deportation operations targeting workplaces throughout the United States that have used Palantir software. Such deportation raids have seen a sharp increase under the Trump administration. The report also delves into the numerous contracts Palantir has with intelligence and defense agencies.
- The third is an [article](#) titled **“Palantir Played Key Role in Arresting Families for Deportation, Document Shows”** detailing how Palantir’s software was used in operations at the United States-Mexico border that involved the targeting and arrest of family members and sponsors of unaccompanied children. Since this targeting could have involved family separation, a policy that the High Commissioner for Human Rights has found violates international human rights law,⁶ this article is particularly relevant for the Special Rapporteur’s attempts to uncover human rights abuses against migrants.
- The fourth is an [article](#) titled **“Palantir’s technology used in Mississippi raids where 680 were arrested”** explaining how Palantir’s technology was used in the largest single-state deportation raid in American history, in which ICE agents arrested 687 people in a single day in Mississippi. Many of those arrested were parents, and some were separated from their children for more than a week.⁷ Many children still have one parent in detention months later, a policy that has fractured families in the state.⁸
- The fifth is an [article](#) titled **“When technology facilitates ICE raids that violate rights, who is responsible?”** delving into the specific human rights violations enabled by Palantir’s support for deportations, including a description of the particular deportations operations in which Palantir’s tools were used.
- The sixth is an [article](#) titled **“Anduril’s New Border Surveillance Contract With the US Marine Corps & CBP”** on Anduril’s contracts with the Marine Corps and CBP, the border enforcement agency. The contracts detail Anduril’s provision of border surveillance equipment, including 33-foot surveillance towers that use artificial intelligence, radar, night vision, and other sensors to monitor border activity, and unmanned aerial drones that can patrol and surveil large portions of the 100-mile

⁶ “UN rights chief slams ‘unconscionable’ US border policy of separating migrant children from parents,” *UN News*, 18 June 2018.

⁷ “Kids left without either parent at home for 8 days after Mississippi ICE raid,” *ABC News*, 23 August 2019.

⁸ “Months after ICE raids, an impoverished Mississippi community is still reeling,” *The Intercept*, 13 October 2019.

“border zone” in the United States — an area that’s home to almost two-thirds of all Americans.⁹

Both companies also have numerous contracts with governments worldwide, including with police, military, intelligence, and border enforcement agencies, making investigation of their activities by the Special Rapporteur all the more critical.

In addition to both Palantir and Anduril, we would like to draw attention to two private data brokers that sell personal data to ICE, helping in the targeting of undocumented immigrants for deportation: **Thomson Reuters**, a Canadian multinational that makes the software tool CLEAR, and **RELX**, a British corporate group that makes LexisNexis, both of which collect troves of personal data — including public government records as well as names, addresses, motor vehicle registrations, utility records, social media profiles, lists of family members and other associates, and more — that they then sell to law enforcement agencies, including ICE. Both companies have contracts worth tens of millions of dollars with ICE.¹⁰

This submission includes two documents relevant to Thomson Reuters and RELX:

- The first is a comprehensive [article](#) in *The New York Times* titled “**How ICE Picks Its Targets in the Surveillance Age**” detailing how ICE raids in Washington state were fueled by data companies like Thomson Reuters, enabling ICE agents to surveil undocumented people for weeks before they begin “disappearing” from their homes.
- The second is an [article](#) published in the *N.Y.U. Review of Law & Social Change* titled “**When Westlaw Fuels ICE Surveillance: Legal Ethics in the Era of Big Data Policing**” that details the relationship between both companies and ICE, including the specific personal data sold to ICE and the development of ICE’s data collection capabilities.

We are happy to answer further questions about the content in this letter or in any of the attached documents. This submission is not confidential and can be published by the Special Rapporteur.

Sincerely,

Jacinta Gonzales, Senior Campaign Organizer at Mijente

⁹ “The Constitution in the 100-mile Border Zone,” ACLU, 21 August 2014.

¹⁰ “Lawyers and scholars to LexisNexis, Thomson Reuters: Stop helping ICE deport people,” *The Intercept*, 14 November 2019.