For Immediate Release

October 20, 2020

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Immigrant Advocates FOIA for Info on Clearview AI Contract with ICE for Facial Recognition Technology

Mijente, Immigrant Defense Project, Just Futures Law, and ACLU NorCal say the public should know how ICE is monitoring their social media accounts

NEW YORK -- A group of immigrant advocates and attorneys have filed a Freedom of Information Act request to demand information related to Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS)'s past and present use of Clearview AI's facial recognition technology. Clearview AI's controversial data scraping practices have been widely condemned since they were exposed earlier this year.

Mijente, the Immigrant Defense Project, Just Futures Law, and ACLU of Northern California filed the request, stating in the FOIA request that the "Requestors, the immigrant communities they serve, and the public have an urgent need to know whether the social media services on which they rely to connect with family and friends are being exploited for facial recognition and deportation."

Facial recognition technology affords government and private actors the unprecedented ability to identify, locate, and track individuals, raising serious human rights and civil liberties concerns. Foremost among those concerns is the impact of the technology on Black people and other over-policed communities, drawing them further into criminal and immigration systems.

The requestors are asking for ICE's contract with Clearview AI and related correspondence and documentation that will help reveal the scope of the government's use of the technology, including its potential role in executing arrests, detentions, and deportations.

"Those concerned with privacy, civil rights, and police violence have been alarmed that Clearview AI has built its business with police by scraping the web to populate its facial recognition tool. Then ICE comes along and signs a contract with Clearview as part of its rapidly expanding surveillance apparatus," said Mizue Aizeki, Interim Director of the Immigrant Defense Project. "ICE needs to reveal to the public how it's using this invasive technology so we can arm ourselves with the information to fight back against any abuses and mass surveillance."

"Facial recognition is being banned in cities across the country. It's untested technology that has the potential to seriously violate our privacy and civil rights and Clearview AI in particular, given its reported ties to white nationalism, cannot be trusted with these tools," said Jacinta Gonzalez, senior campaign organizer with Mijente. "Furthermore, facial recognition should not be in the hands of an agency that has committed serious human rights violations against immigrants across the country, and we have a right to know how ICE is intending to use this tech."

"ICE has proven to be an immoral, unaccountable, and dangerous agency. With the use of Clearview, ICE has unprecedented power to track immigrants and citizens alike, wherever they go – at demonstrations, places of worship, or simply while walking down the street," said Sejal Zota, legal director of Just Futures Law. "We'll fight to ensure that ICE discloses how it is using this disturbing surveillance tool."

"Adding a product like Clearview AI to the arsenal of tools ICE has at its disposal creates a civil liberties nightmare where a brazen federal agency can further monitor and target immigrant communities that are already experiencing an immense amount of fear and uncertainty," said Jennifer Jones, Technology & Civil Liberties Fellow at the ACLU of Northern California. "We're hopeful that the requested records will help us educate people on how to protect themselves from this surveillance, and shed more light on the general threat this technology poses to the public."

Mijente Support Committee is a national organization that coordinates and organizes with its members in several states to address issues relating to immigration enforcement and Latinx political participation.

The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for immigrants in the racially-biased U.S. criminal and immigration systems. IDP fights to end the current era of unprecedented mass criminalization, detention, and deportation through a multi-pronged strategy including advocacy, litigation, legal support, community partnerships, and strategic communications. Visit www.immigrantdefenseproject.org and follow @ImmDefense.

Just Futures Law is a transformative legal organization that defends and builds the power of immigrants' rights and criminal justice activists, organizers, and base-building community groups working to disrupt and dismantle our deportation and mass incarceration systems.

ACLU of Northern California is a non-profit organization and an affiliate of the ACLU, a national organization that works to protect the civil liberties of all people, including the safeguarding of the basic constitutional rights to privacy, free expression, and due process of law.