



Stichting Landelijk
Ongedocumenteerden
Steunpunt

To: Kim van den Sparrentak, GL

Subject: AI Act migration - Ensure prohibitions in the migration context

Rotterdam, January 30th 2023

Dear Kim van den Sparrentak,

I am writing on behalf of Stichting LOS, Dutch organisation for the support of undocumented migrants.

While the negotiations on the AI Act progress, we are writing to ask you to **ensure adequate prohibitions against unacceptable uses of AI in the migration space. Prohibiting such systems is a crucial step to ensure the AI Act protects the rights of migrants, asylum seekers, refugees and undocumented people from dangerous AI-based systems.**

As expressed in a [civil society Joint Statement published in December 2022](#), which was **signed by nearly 200 organisations and academics**, the AI Act must be amended to protect, and not surveil, people on the move.

This is why we are urging you to amend Article 5 of the AI Act to ban those systems that are sure to prove irreversible harm to people affected. In particular, we are urging to ban:

- **Automated profiling and risk assessment systems.** These predictive systems assess whether people present a 'risk' of unlawful activity or security threats. Such systems are inherently discriminatory, pre-judging people on the basis of factors outside of their control, or on discriminatory inferences based on their personal characteristics. Such practices

therefore violate the right to equality and non-discrimination, the presumption of innocence and human dignity.

- **Predictive analytic systems used to interdict, curtail and prevent migration.** These systems generate predictions as to where there is a risk of “irregular migration” and are potentially used to facilitate preventative responses to forbid or halt movement. These systems risk being used for punitive and abusive border control policies that prevent people from seeking asylum, such as pushbacks, expose them to a risk of refoulement, violate their rights to free movement and present risks to the right to life, liberty, and security of the person.

Moreover, we are urging you to ban:

- All **emotion recognition and biometric categorisation systems**
- and ensure that the ban on **Remote Biometric Identification applies both to real-time and post scenarios and it covers borders and in and around detention facilities.**

The AI Act must not overlook the urgency of properly protecting the rights of migrants and people on the move. When AI systems are deployed in the migration context, there is a significant power imbalance and risk of those systems exacerbating and causing violence and grave human rights violations.

We stay at your disposal, should you have any comment or question.

Kind wishes,

Rian Ederveen
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Rotterdam – Netherlands

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