The Algorithmic Fairness for Asylum Seekers and Refugees (AFAR) project, funded by the Volkswagen Foundation's Challenges for Europe programme, started on 1 October 2021. Since its launch, the project has made significant contributions through various conferences, public engagement events and research outputs. The project also made achievements in securing funding for a Science Communication Strategy, which aims to disseminate research findings to various target groups, including legal actors, civil society stakeholders, and policy-makers. Presentations at renowned conferences, including the Nordic Asylum Lab Conference and the ESIL Annual Conference, have showcased the team's research findings and insights. Team members' engagement in summer schools and workshops has further established their expertise in the field. The project's media mentions and public engagement activities have expanded its reach and influence. The report authored by Derya Ozkul, titled "Automating Immigration and Asylum", published in January 2023, has mapped the various uses of new technologies in the field of migration and asylum processing in Europe. The mapping report received extensive media mentions, with the report's findings being cited in reputable sources and shared by civil society organisations and academic networks.

Throughout 2023, the research team has produced a wide range of interdisciplinary research outputs (see Annex I). In January 2023, the mapping report authored by Derya Ozkul was published. The report attracted significant media attention and recognition in influential media outlets such as such as Deutsche Welle, AlgorithmWatch newsletter, Biometric Update, Internazionale and Euractiv (see Annex II). Derya Ozkul was invited to present the report's key findings at several high-profile events, including the Biometric Institute Congress in London, the IOM’s Global Migration Data Analysis Centre's training programme, and an interview with the EUObserver. On 25 October 2023, Derya Ozkul discussed the report's findings with Prof Lorna McGregor and Dr Petra Molnar in a partnered event with the Refugee Studies Centre at Oxford. Furthermore, Derya Ozkul contributed by writing a blog post for the ODID blog titled “New technologies in migration and asylum governance: who benefits?” and authored a journal review article titled “But you try to dig the hole; why?”: A Review of The Hearing,” which was published in the Journal of Refugee Studies published by Oxford University Press. Additionally, AFAR team members Derya Ozkul and Francesca Palmiotto have worked together and co-authored a blog post on the landmark ruling by the German Federal Administrative Court published in Verfassungsblog, a leading journalistic and academic forum of debate on developments in constitutional law and politics in Germany.

In 2023, team members have also finalised the writing of various academic articles scheduled for publication in 2024. For example, Derya Ozkul and Francesca Palmiotto have co-written an upcoming
entry titled “AI in migration” for the Oxford Encyclopedia of EU Law. Based on the empirical research for the WP1, Francesca Palmiotto has authored an article on automated decision-making in asylum and migration governance, which provides a legal analysis of the practices illustrated in the report under EU law. The paper has been accepted by the German Law Journal, published by Cambridge University Press, and is scheduled for release in 2024. Forthcoming research outputs include a special issue, currently co-edited by Derya Ozkul, tentatively titled “Digital Technologies and Migration: Behind and Beyond the Black Box” for one of the leading migration journals, the Journal of Migration and Ethnic Studies. Derya Ozkul has written an article on data-driven constructed objectivity for this issue, exploring the implications of the use of new technologies on the asylum process. Furthermore, Derya Ozkul is actively engaged as a key advisor to the Forced Migration Review, the most widely read publication on forced migration, published by the University of Oxford’s Refugee Studies Centre for their upcoming issue on “Digital Disruption and Displacement”. Finally, Francesca Palmiotto has written a paper on procedural fairness standards for a special issue in the Computer Law Security Review.

Our research team actively engaged with the academic community through presentations at various events, showcasing AFAR research and scientific results (see Annex III). Team members presented their research at relevant conferences, including the ESIL Annual Conference, the Lawtonation Conference at IE Madrid, the Nordic Asylum Lab Conference at the University of Copenhagen and the Migration Conference 2023 in Hamburg. Derya Ozkul presented her paper on data-driven constructed objectivity in workshops titled “Displacing Bureaucracies/Bureaucracies of Displacement”, held at the University College of London, titled “Rethinking Digital Justice in Forced Migration” held at the University of Oxford, as well as a seminar titled “New Technologies in the Refugee Response”, organised by the University of London’s Refugee Law Initiative. Team members were also invited as speakers in events and summer schools. For example, Derya Ozkul was invited to give a lecture on “AI and Migration Management: Potentialities and Perils”, and Francesca Palmiotto was invited to give a lecture on “Improving the Asylum System? The Role of AI in International Protection Procedure” as part of the Summer School “Migration and Mobility In The Digital Age”, organised by the University of Tuscia. Finally, Derya Ozkul gave a lecture titled “Using AI for Immigration and Asylum” as part of the Oxford Media Policy Summer Institute Programme, organised by the University of Oxford.

Team members also participated in various events with stakeholders (see Annex II), including civil society members and human rights activists. Francesca Palmiotto was invited as a speaker for the legal workshop organised by the European Council on Refugees and Exiles (ECRE) in Warsaw in May 2023, providing training for asylum lawyers and practitioners on the right to privacy and data protection. Francesca Palmiotto was also invited to deliver a lecture on the use of Artificial Intelligence in migration and asylum for the Friedrich Naumann Foundation's “International Academy for Leadership” in October 2023. Derya Ozkul has been active as a partner in the #ProtectNotSurveil campaign along with a coalition of civil society organisations that developed amendment recommendations to the EU AI Act to better protect against possible harms in the migration and asylum context. Derya Ozkul collaborated with Caterina Rodelli, EU Policy Analyst at Access Now, a civil society organisation defending the digital rights of people and communities at risk. Together, they presented in a podcast titled “Automating Immigration in the Digital Age” hosted by the University of Oxford’s The Migration Oxford Podcast. Finally, Cathryn Costello and Francesca Palmiotto submitted input to the call for the report on the Human Rights of Migrants by OHCHR.

The AFAR team has continued to develop the AFAR Curriculum. The team compiled a list of key readings for the AFAR Reading Group, which has been held every 2-3 weeks during the academic term since June
All team members have participated in this Reading Group. These meetings have helped team members refine their overarching conceptual framework and test out each reading to be included in the Curriculum, which is planned to be used in courses taught in some of the partner universities. Francesca Palmiotto has also designed a course on “Human Rights and New Technologies” for master students, which she is currently teaching at the Hertie School in the 2023 Fall term.

In two years since its start, the AFAR team have completed the following milestones and deliverables: kick-off stakeholder engagement workshop at Hertie School (A1), first internal workshop (A6), the establishment of the project website (A2), recruitment of research staff (M1), the formal establishment of the international advisory board (M2), publication of the newtech mapping (M3 and D3), ethical approval of the empirical research (M4); design and initial collection of empirical data (M4 and M5); presentations of research findings in events and conferences (A8); design and teaching of the course “Human Rights and New Technologies” (D5); and submissions of two articles on fairness standards and one entry in the Oxford Encyclopaedia of EU Law (D9). At present, the following activities and deliverables are in the pipeline: AFAR Curriculum (D2), publication of the Newtech Online Caselaw Digest (D4); and scholarly workshop at the EUI (A4); a special issue organised on the use of new technologies in forced migration for the Journal of Ethnic and Refugee Studies with one research article authored by a project partner and a special issue on the same topic for Forced Migration Review (D8).

Finally, a significant milestone of 2023 was the successful application for additional funding for the AFAR Science Communication project. Our Science Communication strategy aims to ensure the effective dissemination of our research findings, including case law collection, the mapping report, and reform proposals, developing public engagement formats targeting different stakeholders, and implementing participatory research methods with migrant communities. The project’s communication impacts the research by increasing data literacy, informing policymaking, raising awareness, facilitating transnational conversations, and engaging affected communities. The target groups vary across legal actors, civil society stakeholders, and influential policymakers, as well as the general public. Communication formats include an online database, interactive map, film festival and café/pub culture events, policy briefs, workshops, and participatory action research. The project emphasises dialogic and participatory approaches, involving stakeholders in refining research methods and amplifying the voices of affected communities. The following activities and milestones are planned for January 2023: the recruitment of a Communication Officer and the development of the NewTech Case Law Database and the Interactive Map.

New team members and inclusion of junior researchers

Since the start of the AFAR project, a number of postdoctoral and doctoral researchers have joined the AFAR team. In Spring 2022, the AFAR team welcomed two postdoctoral researchers (Dr Francesca Palmiotto at the Hertie School and Dr William Hamilton Byrne at the University of Copenhagen) and two PhD students at the University of Zagreb (Matija Kontak and Ana Kršinič). A new PhD student (Asta Jarlner) at the University of Copenhagen joined the AFAR team in January 2023. These two postdocs and the four doctoral researchers are working on the legality and fairness of automated systems and related technologies. Finally, at the European University Institute, the new postdoctoral researcher, Dr Lenka Dražanová, is working with Prof Martin Ruhs on the research and analysis of public perceptions of automated technologies. In January 2024, the AFAR team will welcome a research fellow (Ludivine Steward from the EUI) who will be visiting the Hertie School in the spring term and actively collaborating with AFAR team members.
Contribution towards the funding initiative’s specific goals

AFAR Project addresses two of Europe’s most significant challenges: 1) reforming migration and asylum governance for fairness to avoid another ‘refugee/migration’ crisis and 2) regulating newtech to ensure fairness. Both challenges deeply impact the EU’s efficacy and legitimacy as a polity. Moreover, in recent years, the EU has emerged as an effective global regulator of newtech and AI. The research carried out within the AFAR team is even more relevant and pressing now due to the important legislative proposals made by the European Commission, namely the ‘AI Act’ and the ‘AI Liability Directive’. The AFAR project is contributing to stimulating research on these issues affecting Europe and the European Union, strengthening academic collaboration among European scholars, and analysing these challenges from an interdisciplinary perspective. Team members come predominantly from the law but also from political science and sociology backgrounds.

Each of the recruited doctoral researchers examines fairness-related questions about selected technologies. Ana Krsinic’s PhD thesis at the University of Zagreb aims to explore whether modern technologies can be designed as tools to achieve a fair EU asylum procedure. Her current research focuses on the impact of artificial intelligence on the duty to state reason and judicial independence in EU asylum procedures. Matija Kontak’s PhD thesis explores the legal implications of privacy-enhancing technologies on biometric data, with a particular focus on the right to privacy and data protection. At the University of Copenhagen, the PhD researcher Asta Jarlner’s project aims to use computational legal analysis to “decode” asylum refugee determination practices.

Since starting to work on the AFAR project in April 2022, Francesca Palmiotto has focused her research on analysing the multi-layered legal framework governing AI in EU migration and asylum governance. She is currently conducting legal doctrinal research on fairness standards in newtech practices, with a specific focus on procedural rights under EU law. As a result of her research, Francesca Palmiotto has submitted one article to the German Law Journal, which has been accepted and will be published in 2024, and a paper for a special issue in Computer Law and Security Review on procedural fairness in automated asylum procedures. Furthermore, considering the current legislative debate on AI regulation, her research also examines the role of fundamental rights in the forthcoming AI Act. She was invited to present the draft paper at the Centre for Digital Governance’s Colloquium at the Hertie School in December 2023.

At the University of Copenhagen, William Hamilton Byrne has focused his empirical research on testing the underlying assumptions prevalent in the fledging use of AI in asylum processes. He will also be working on the philosophical basis and implications of ‘fairness’ and collaborating with Francesca Palmiotto and Prof. Cathryn Costello on a paper unpacking the concept of fairness in migration and asylum governance.

Finally, Derya Ozkul and Martin Ruhs, together with the postdoctoral researcher Lenka Dražanová, explore perceptions of fairness among the European public and migrants/asylum seekers and refugees. Derya Ozkul is currently carrying out qualitative research through in-depth interviews with asylum seekers who have been subjected to the use of new technologies in Germany in order to understand their experiences and perceptions of fairness in the process. Martin Ruhs and Lenka Dražanová from the EUI are conducting quantitative research on fairness perceptions among the European public in selected countries. Firstly, they provide a theoretical and empirical analysis of the European public’s perceptions and understandings of fairness in policymaking on asylum and refugee protection, the sources of these understandings, and the relevant reference groups. Further, they are working together on devising a methodology for understanding public perceptions of AI usage in asylum decisions and refugee protection policies in selected countries.
Gain in knowledge as a result of interdisciplinary and international cooperation

One of the strengths of the AFAR team is its interdisciplinarity. During our online meetings, the team members can present their preliminary findings and research projects and discuss different conceptual and methodological approaches to the core themes of the AFAR projects. Interdisciplinary collaboration among AFAR team members is a core element of the project. During this year, Derya Ozkul and Francesca Palmiotto collaborated widely in different events, summer schools and publications, including an entry in the Oxford Encyclopaedia of EU Law and a blog post. They also participated together in calls for papers and plan to write an article together on contested uses of technologies and legal mobilisation. William Byrne and Francesca Palmiotto participated in the ESIL Annual Conference, presenting a work-in-progress paper on fairness conceptualised across law, sociology, and public perceptions. Together with Prof. Costello, they plan to develop the paper and submit it for publication in a peer-reviewed journal. At the EUI scholarly workshop, the team will discuss how to further foster synergies and collaborations among different disciplines for scientific publications.

The AFAR team also engages with scholars and experts in different disciplines. At the University of Zagreb, the PhD students have had several meetings with Dr Zvonko Koštanjčar from the Faculty of Electrical Engineering and Computing, who has helped shape their research by giving the perspective of an IT expert. Meetings are held approximately once per month. As part of our Science Communication strategy, we have designed a series of online events with computer scientists, which will also be available as a podcast. We plan to start this online series in Spring 2024. Researchers at the University of Zagreb will also be supported by a second supervisor (Dr Niovi Vavoula for Matija Kontak and Prof. Thomas Gammeltoft-Hansen for Ana Kršinić) to foster interdisciplinary in their PhD research. This year, AFAR PhD researchers also received methodological training and participated in “The Research Methods in Fundamental Rights”, organised at Hertie School in June 2023.

Furthermore, considering the development and implementation of new tech and AI are current challenges for European law and global governance, the AFAR team is also strengthening academic collaboration among scholars worldwide. Last year, Francesca Palmiotto and Prof. Cathryn Costello hosted a series of Colloquia entitled ‘Human Rights and the Automated State’ at the Centre for Fundamental Rights at the Hertie School. The AFAR team members are joining the Colloquium, having the opportunity to engage with outstanding senior scholars working on automated decision-making and human rights. At the University of Zagreb, Prof. Iris Goldner organised two consecutive events with Dr Niovi Vavoula, a leading expert on EU information systems in the area of migration and asylum from the Queen Mary University of London. On 9 December 2022, the University of Zagreb hosted an international conference on “Schengen and European Borders” organised by Prof. Iris Goldner. Speakers included Lilian Tsourdi, Philippe de Bruycker, Fabian Lutz, Violeta Moreno-Lax, Luisa Marin and Jorrit Rijpma. At the Refugee Studies Centre at Oxford, in Hilary Term of 2023, Dr Derya Ozkul co-organised a Seminar Series titled ‘Forced Migration and Digital Technologies: (Dis)continuities in Actors and Power Relations’. This series hosted presentations by leading scholars in the field of digital borders and data justice.

In addition to our research contributions, our team actively organised and facilitated events that brought together experts, scholars, and practitioners to delve into critical issues at the intersection of migration, law, and technology. As part of the Fulbright Specialist programme, the University of Zagreb hosted lectures by Prof Jaya Ramji-Nogales (Temple University), providing a forum for engaging discussions on migration and legal frameworks. In an online seminar organised by the University of Oxford's Refugee
Studies Centre, Dr Derya Ozkul presented the key findings of the AFAR report. The event, chaired by Prof Cathryn Costello, featured commentary and insights from Prof Lorna McGregor and Dr Petra Molnar, exploring the implications of the research in the context of migration and asylum.

**Further perspectives and sustainable effect of the project**

Dissemination of findings and stakeholder participation is at the core of AFAR. For these reasons, we decided to design a specific Science Communication strategy and applied for additional funding. We consider our communication measures essential for informing current discussions on new technologies in migration and asylum governance. The scientific and academic deliverables of the AFAR project aim, among others, to inform these discussions and develop key policy recommendations for the regulation of new tech, both sector-specific for MAG and more generally based on EU standards.

Moreover, we aim to increase data literacy and expertise amongst scholars and practitioners and raise awareness and transparency about newtech in the sensitive field of MAG. For this purpose, we envision the NewTech Caselaw database as a resource for legal actors (lawyers, judges, legal NGOs, legislators and policy-makers) and AFAR civil society stakeholders working across all aspects of newtech and human rights. We will also support the development and maintenance of this database by working together with a public or NGO partner in order to maintain the database for the long term and by hiring national rapporteurs across Europe.

Finally, we want to enable greater interaction with affected individuals and civil society organisations in the design, implementation and dissemination of AFAR’s qualitative research on fairness perceptions. For this purpose, the lead researcher of qualitative research, Dr Ozkul from the University of Oxford, will conduct participatory action research in Germany and the UK, collaborating with migrant organisations whose members are affected by the use of newtech in these countries. By implementing participatory methods, we aim to capture and amplify their voices and further disseminate our research outputs to affected communities.

Finally, AFAR aims to increase data literacy and expertise in newtech amongst a new generation of scholars and practitioners. For this purpose, the AFAR Curriculum and the method training program will be available to external researchers and outside audiences. The material will continue to be available online after the end of the project.
AFAR Project
Annex I - Publications and Work in Progress

Research outputs:


Work-in-progress


- Derya Ozkul, FMR’s forthcoming issue on *Digital Disruption in Forced Migration*, is planned to be published in Spring 2024.

Annex II – Media Mentions and Public Engagement

Media Mentions:

• Derya Ozkul’s report and findings were cited in the following media sources:
  • The AFAR report has been featured in a section on AlgorithmWatch’s newsletter, Biometric Update.com’s website; and it has been shared by various organisations and academic networks on Twitter and Linkedin.
  • 13.6.2023 – The AFAR project and report are referenced in a piece published at the Technology section of Internazionale, [https://www.internazionale.it/opinione/francesca-spinelli/2023/06/13/migranti-unione-europea-intelligenza-artificiale](https://www.internazionale.it/opinione/francesca-spinelli/2023/06/13/migranti-unione-europea-intelligenza-artificiale)
  • A number of civil organisations have issued a new campaign called “#ProtectnotSurveil”, and featured the report on their website as one of the key resources. [https://protectnotsurveil.eu/#resources](https://protectnotsurveil.eu/#resources)
  • Derya Ozkul has given the following interviews:
    • Predicting migration: the opaque science behind AI technologies, published at EUObserver [https://euobserver.com/digital/157056](https://euobserver.com/digital/157056)

Public Engagement:

• 27.11.2022 – Francesca Palmiotto was invited to give a lecture for the “Advanced Elena Course” organised by ECRE in Riga
• 21.2.2023 – IOM’s Global Migration Data Analysis Centre, in cooperation with the European Commission Knowledge Centre on Migration and Development and the NYU Governance Lab, invited Derya Ozkul to share the key points specifically on matching tools in one of their training meetings in North Africa.
• 12.5.2023 – Cathryn Costello and Francesca Palmiotto submitted input to the call for the report on the Human Rights of Migrants by OHCHR.
• 24-25 May 2023 – Francesca Palmiotto was invited speaker for the legal workshop organised by the European Council on Refugees and Exiles (ECRE) in Warsaw.


• Derya Ozkul has been active as a partner in the #ProtectNotSurveil campaign along with a coalition of civil society organisations that developed amendment recommendations to the AI act to better protect against these harms in the migration context. With this coalition, she signed the Joint submission to the European Commission on cross-border sharing of data for mixed criminal law and immigration control purposes [https://privacyinternational.org/advocacy/5055/joint-submission-european-commission-cross-border-sharing-data-mixed-criminal-law-and](https://privacyinternational.org/advocacy/5055/joint-submission-european-commission-cross-border-sharing-data-mixed-criminal-law-and) She contributed to ‘Ban racist and lethal AI from Europe’s borders’, published in Al Jazeera [https://www.aljazeera.com/opinions/2023/4/20/ban-racist-and-lethal-ai-from-europes-borders](https://www.aljazeera.com/opinions/2023/4/20/ban-racist-and-lethal-ai-from-europes-borders)

• 16.10.2023 - Francesca Palmiotto collaborated with the the Friedrich Naumann Foundation's "International Academy for Leadership” giving a seminar for human rights activists on “AI in Migration and Asylum Governance”

• 17-18.10.2023 – Biometric Institute invited Derya to share the key points of her research in their 2023 Congress in London on 17-18 October.
Annex III – Presentations and Events

Partnered events:

- 1.4.2022 – **First AFAR stakeholder workshop with civil society members** – organised by the Centre for Fundamental Rights - Hertie School - Berlin.
- Fall Semester 2022 – Colloquium **“Human Rights and the Automated State”** – organised by the Centre for Fundamental Rights - Hertie School, Berlin – online.
- 26.10.2022 – Jean Monnet Visiting Lecture Series Workshop by Niovi Vavoula – organised by the University of Zagreb.
- 19.6.2023 – Lectures by Prof Jaya Ramji-Nogales (Temple University), Fulbright Specialist programme – organised by the University of Zagreb.
- 25.10.2023 – Online seminar **“The use of new technologies in immigration and asylum governance: implications for human rights”** presented by Dr Derya Ozkul with Prof Lorna McGregor and Dr Petra Molnar and chaired by Prof Cathryn Costello - organised by the University of Oxford, Refugee Studies Centre. Video recording available [here](#).

Presentations at conferences and events:

- 29.3.2023 – Presentation in the Workshop “Towards Autonomous Borders?” Organized for Special Issue to Computer Law and Security Review, Queen Mary University. Francesca Palmiotto presented her research on “Automated decisions and procedural fairness: seeking standards for asylum seekers and refugees.”
- 24.3.2023 – Presentation by Matija Kontak and Ana Kršinić in the event titled “Law and Artificial Intelligence: Challenges and Opportunities” – organised by Charles University in Prague.
- 28.4.2023 – Derya Ozkul acted as a discussant at ‘Migration Prediction, Policy & Human Rights conference’ organised by the IT FLOWS project team in the panel on “The Human Rights Misuse of Migration Flow Prediction Tools” – organised by Brunel University, UK.
- 22.5.2023 – Nordic Asylum Lab Conference, University of Copenhagen. AFAR Panel with presentations by Francesca, Ana and Matija.
- 25.5.2023 – ECRE’s Legal Workshop “Using the full potential of the Charter of Fundamental Rights of the EU”, Warsaw. Francesca Palmiotto was invited to give a lecture on “Dignity in privacy: the personal data of migrants under Article 8 CFREU”.
- 23.6.2023 – Derya Ozkul presented her initial ideas for her JEMS paper at a Workshop organised at University College of London (UCL)’s Department of Communication and Society, titled “Displacing Bureaucracies/Bureaucracies of Displacement”.
- 4.7.2023 – Summer School “Migration and Mobility In The Digital Age”, organised by University of Tuscia. Derya Ozkul was invited to give a lecture on ‘AI and Migration Management: Potentialities and Perils’ and Francesca Palmiotto was invited to give a lecture on ‘Improving the Asylum System? The Role of AI in International Protection Procedure’.
- 7.8.2023 – Oxford Media Policy Summer Institute Programme, Jesus College, University of Oxford. Derya Ozkul was invited to give a lecture titled ‘Using AI for Immigration and Asylum’.
• 24.8.2023 – Migration Conference 2023 at the University of Hamburg. Derya Ozkul was invited to speak in the roundtable “Digitalisation and Artificial Intelligence in Migration and Asylum”.
• 28-29.09.2023 – Lawtomanation Conference at IE Madrid. Francesca Palmiotto presented her research on automated decision-making in migration and asylum governance.
• 17-18.10.2023 – Derya Ozkul presented the key findings of the AFAR report with a focus on the uses of voice biometrics and speech recognition at the 2023 Biometrics Institute Congress in London.
• 18.10.2023 – Cathryn Costello presented the AFAR project at UCD