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35+ Civil and Immigrant Rights' Groups Raise Concerns to OMB on DHS Use of AI

WASHINGTON D.C.-- 35 civil rights, immigrant rights', and racial justice groups submitted public comments to the Office of Management and Budget (OMB) draft guidance in response to the Executive Order on Artificial Intelligence (AI) aimed at improving the protection of civil rights and civil liberties, limiting discrimination, and advancing equity.

The groups led by Just Futures Law, Mijente, MediaJustice, Surveillance Resistance Lab, and Center on Race and Digital Justice, raised key concerns about the governance framework proposed by the OMB guidance. In the public comments submitted, groups name the OMB guidance risk assessment framework as fundamentally **flawed** and call for the government to **abandon** it if it seeks to provide the strongest risk mitigation and rights protections. Short of abandoning this, the groups offer **nine** additional recommendations including:

- **The need to limit DHS' overly frequent use of exemptions, waivers, and exceptions for AI policy because of DHS' history of overuse of such loopholes;**

- **Specific recommendations on how to amend the purposes that are assumed to be rights impacting;**

- **Recommendations for how DHS and other agencies should evaluate and assess AI technologies and improve their AI inventory;**

- **Requirements for enforcement mechanisms such as contract termination for failure to meet rights-impacting minimum practices.**

On October 30, 2023, President Biden released an Executive Order detailing the White House's national strategy on implementing, advancement, and use of AI. The guidance also informs the Department of Homeland Security's use and deployment of AI across the agency– from the border asylum process to interior surveillance to work permits that impact noncitizens and citizens alike, with less protections granted to noncitizens. The signatories to this letter include organizations who have deep experience in advocating to protect and expand rights of immigrants, a substantial group of 46 million people in the United States, including foreign-born with an estimated 16.2 million in mixed-status families across the country.

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

The Center on Race and Digital Justice strengthens a community of academic researchers, leaders, and practitioners operating at the intersection of data, technology, power, and racial justice. Our work cultivates accountability, drives equity, and seeks to contribute to the restoration and expansion of civil, sovereign, and human rights that are threatened by digitally networked systems of power and control.

The Surveillance Resistance Lab is a think and act tank focused on state and corporate surveillance as one of the greatest threats to migrant justice, racial equity, economic justice, and democracy. To counter this threat, the Surveillance Resistance Lab engages in investigative research, campaign incubation, advocacy, and organizing.

MediaJustice is dedicated to building a grassroots movement for a more just and participatory media—fighting for racial, economic, and gender justice in a digital age. MediaJustice boldly advances communication rights, access, and power for communities harmed by persistent dehumanization, discrimination and disadvantage.

Mijente is a national organizing hub and political home for Latinx and Chicanx people that's pro-Black, pro-indigenous, pro-worker, pro-woman, pro-lesbian, gay, bi, trans, and queer, and pro-migrant. It leads the #NoTechForICE campaign, organizing against the surveillance machinery supplied by Silicon Valley for immigration and border policing.