AI FORA
artificial intelligence for assessment

EWAF'24

Fairness aspects regarding the use of Artificial intelligence in asylum procedures and integration processes for refugees

2.-3. July 2024

Johannes Gutenberg-University Mainz

Summary of the Policy Community Workshop of the research project

"Artificial Intelligence for Assessment" (AI FORA)

as part of the

"European Workshop on Algorithmic Fairness" (EWAF'24)

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Contents

1. Welcome and introduction AI FORA (2th July)

- Welcome by the organizers introducing the workshop goal and its agenda; introduction by participants and their background

Participants:

- Member of the Advisory Board for Migration and Integration, City of Mainz & Representative of the management of the Institute for the Promotion of Education and Integration

- Member of Staff unit (Stabstelle) of the State Government Commissioner for Migration and Integration, Ministry for Family Affairs, Women, Culture and Integration, Rhineland-Palatinate
- Head of Unit Policy issues and overall coordination of refugee admission, Department for Integration, Migration, Reception of Refugees Ministry for Family Affairs, Women, Culture and Integration, Rhineland-Palatinate
- Coordinator for Integration and Participation, Department Economic and Social Affairs, Integration Unit - Coordination of Refugee Work, City of Lübeck, Schleswig-Holstein
- Project manager "Schleswig-Holstein Ahoi!", Refugee Council Schleswig-Holstein
- Consultant, International skilled workers and diversity, Member of Chamber of Industry and Commerce, Rheinhessen
- Deputy Head of the Competence Centre Öffentliche IT (Public IT), Fraunhofer Institute for Open Communication Systems, Berlin
- Head of Research Group International Migration, Federal Institute for Population Research, Wiesbaden/Hessen
- Member of Unit for Policy Engagement & Director Science Policy Dialogue Projects at Goethe University Frankfurt

- **Introduction of the AI FORA Project** (by Prof. Dr. Petry Ahrweiler) & **Results of the German case study** (by Elisabeth Späth)

2. Key results of German case study

(1) Normative or political dimension of assessment criteria (e.g. (un)safe country of origin; differences with regard to countries of origin, see Ukraine)

  ➢ The use of AI can reinforce this perspective/dimension (e.g. plausibility checks and safety aspects "only apply" to certain population groups; individual decisions where several criteria apply). Population groups; individual case decisions, where several criteria (should) apply, recede into the background)

(2) Different "interests"/working priorities of those involved (e.g. BMI, BMAS, refugee councils), e.g. conflicting values such as fairness and efficiency

  ➢ Silo thinking can lead to "unfair" results when using AI

(3) Normative or political dimensions of the (non-)use of AI/technologies, with practical consequences, e.g. for data quality

 ➢ Cooperation between institutions (e.g. use of AI and/or digitalised processes)

(4) Different perspectives of refugees, experts, supporters on problems, barriers, aspects of (in)fairness

  ➢ Also with regard to the potential of AI; e.g. relatively optimistic/positive attitude towards AI on the part of refugees (more objectivity instead of subjectivity or "being lucky")

(5) Agency of refugees can be restricted or expanded (depending on the case)

  ➢ "black box" (of bureaucracy) and "black box" (of AI use) clash; opportunities for participation are important and can contribute to greater efficiency and transparency

3. Interactive session: evaluation of results and suggestions for improvement/courses for action
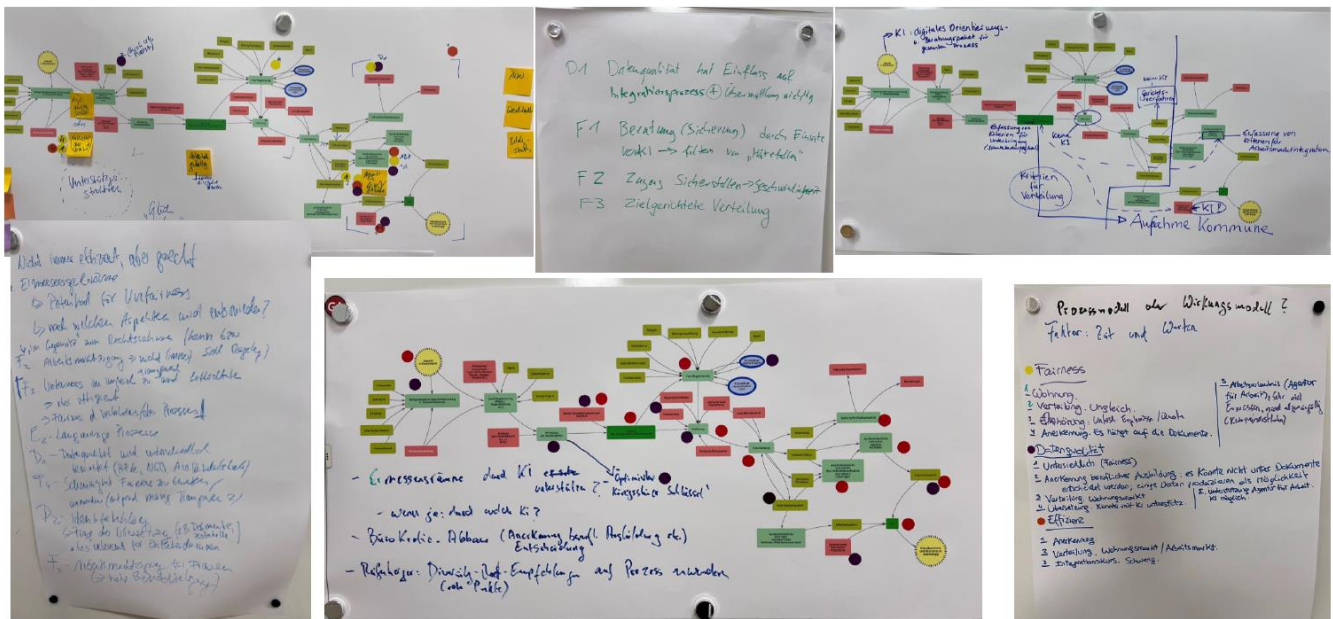
- In the afternoon of the first workshop day, there was an interactive session: the main focus, and purpose of this session, was to evaluate the results of the German case study as well as to develop options for future use of AI in the participants' field of work. The key results mentioned in the former section served as important point of reference.
- There were three groups moderated by Elisabeth Späth (Group 1), Petra Ahrweiler & Blanca Luque Capellas (Group 2) and David Wurster (Group 3)
- Posters (see above) illustrated a very simplified model of the "existing system": asylum procedure -> access to social service provision, access to job market -> living financially independent/self-supporting; AI-component; these were created with the tool Participatory Systems Mapping
- The session was divided into two different slots:

1) The first session focused on what participants learned from empirical insights (cf. key results) on the one hand, and their own experience/background knowledge, on the other hand. In practice, the different processes within the existing system were evaluated by the participants based on the criteria fairness, efficiency and data quality (empirical research indicated that these criteria play a crucial role)
   Poster 1
   ➢ The participants were asked to evaluate these different processes based on the criteria fairness (-> yellow dots and post-its), efficiency (-> orange dots and post-its) and data quality (-> purple dots and post its)

➢ Numbers were given according to the level of e.g. fairness or unfairness (see number next to dots), e.g. low number in fairness suggests a certain level of unfairness etc. (scale 0 to 5), see results in 3.1

2) The second session focused on developing options for action, including ways or ideas where AI might support certain processes.
   Poster 2
➢ The participants were asked to indicate where/how the processes with "poorly rated criteria" might be improved, see results in 3.2

3.1 Evaluation of results, based on criteria fairness, efficiency and data quality

Group 1

Fairness:

- there are many margins of discretion (Ermessenspielräume)
  o This means there is a lot of potential for unfairness, for example, the mood of the person deciding on a certain case -> for example in foreign offices (Ausländerbehörden)
  o It also depends which criteria are used for making an assessment or a decision
  o At the same time, there are clear legal rules (Kann- bzw. Soll Regelungen)
- The different possibilities to "enter" the labor market (Arbeitsmarktzugang) are not always very clear; they can be very different depending on your background

Efficiency/Fairness:

- integration processes taking place after the decision of the BAMF are not very efficient, but they are "just" or "fair" because they stick to the rule

Efficiency/data quality:

- overall problem with efficiency: very lengthy processes (langwierige Verfahren) right from the beginning
  o At the same time, data quality plays a crucial role during the whole processes, in particular referring to identity clarification (Identitätsklärung)
  o Related to this, translations (Übersetzungen) play a crucial role as well; for example, translation of important documents, such as birth certificate; minutes

(Protokolle) taken by different institutional stakeholders -> this is particularly important for assessments/decisions

Data quality:

- Data quality itself is evaluated very differently from different stakeholders, for example, the hardship commission, NGOs or the foreign offices
  - o This also means that some actors are more sceptical about certain assessment or reports, for example, because data quality is not very good or there have been forms of unfairness in the processes before
  - o Apart from that, fairness is not easy to evaluate due to a lack of transparency in certain processes, for example, how criteria applied by certain actors in assessments

Group 2

Fairness:

- **Accommodation**. There are no places for all refugees in the same type of accommodation. This situation generates disparities according to the type of accommodation there are assigned to.
- **Distribution of refugees among Länder.** The assignment to a concrete federal state (Land) leads to disparities from the beginning of the process among the refugees.
- **Hearing.** The hearing process depends on the person attending each refugee. Results can be different with similar situations, probabilities of success in receiving an asylum acknowledgment are not equal.
- **Acknowledgment of educational/professional background. Depending** on the documents refugees deliver, results on asylum procedure can vary, although personal situations are similar.
- **Work permission (Employment Agency**). No clear rules apply to make decisions regarding work permit, there is a great margin of discretion. Furthermore, there is no minimum salary that refugees working in Germany will get.

Efficiency:

- Acknowledgment of educational/professional background.
- Distribution of refugees among Länder. If there was information about housing market and about job market available, more efficient decisions would be made.
- Integration course. It is very difficult to get there, it is a non-efficient process.

Data quality:

- Differences. Even in those cases when data are provided, the fact that different people count on data with different qualities may lead to discrepancies in results with similar situations. This is how data quality issues lead to fairness issues.
- Acknowledgment of educational/professional background. Sometimes documents are not available, and in this case, data are missing to make a decision according to the actual situation.
- Distribution of refugees among Länder. If there was information about housing market available, better decisions would be made regarding refugees' distribution among Länder.

Group 3

Fairness:

- Procedural counselling and access to information is an important step towards more fairness in terms of agency of refugees within the asylum process
- Access to the job market through an official work permit is also important to increase fairness and agency of refugees
- A targeted distribution of refugees according to their needs and strengths increases fairness/agency
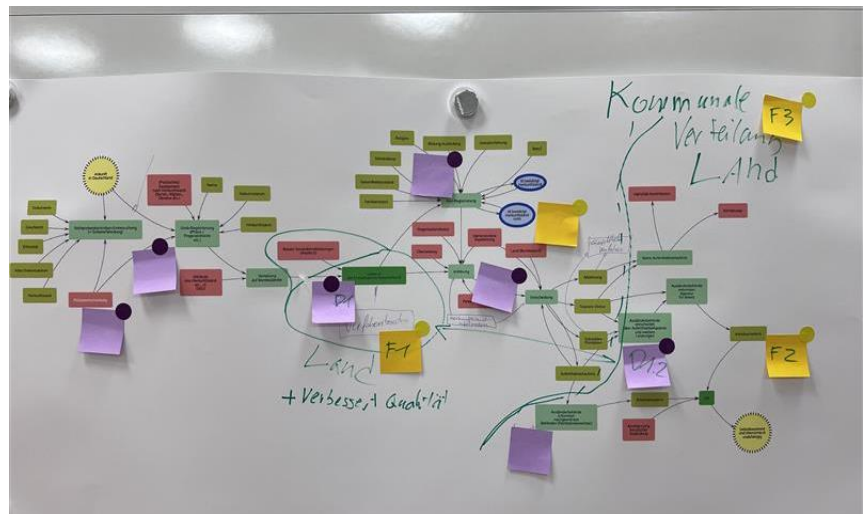
Data quality:

- The asylum process (and data collection) needs to be divided by different governmental institutions/levels (state, federal state, municipality)
- There are also differences in the data they collect and process (due to organisational reasons but also due to data privacy/security issues)
- It plays an important role at the first/initial reception centre where refugees arrive, as well as at the registration and hearing of refugees.
- Data quality has a large impact on the whole integration process
- The collaboration between the first reception centre and the work at the municipality could be improved

3.2 Suggestions for improvement/courses for action and possible ways to integrate AI

Group 1

- The number of cases or situations where the refugees needs to be "lucky" should be reduced….
- There should be an obligatory and regular/permanent supporting infrastructure/"supervision" (Betreuung) to guide refugee through the system; processes from reception centre until they find a (good) job
- Low-barrier participation possibilities should be improved
  - This relates, too, with the lack of digitization and the big amount of bureaucracy in Germany
- Many processes should be done/performed at an earlier point in time in processes, for example, acknowledgment of studies or professional background
- Refugees or migrants should be involved in more processes; some social media ("Digital Street Work")
- Very often, there is a lack of political will to change the current situation; for example, many refugees work on a voluntary basis and do not receive any money
  - There should be better infrastructures – and jobs – for refugees, especially in the context of public administration
  - This would increase the level of fairness and efficiency

Possible ways to integrate AI:

- Career counselling and (immediate) placement, for example, getting an appointment with a certain organization helping the refugee
- Clear legal regulations (Soll-Bestimmungen) could be "implemented" via AI
  - At the same time, this depends again on data quality of the processes and documents before
- There are possibilities to "deduce" general principles from individual cases, for example, regarding the decisions taken by the hardship commission; these could be used to be linked with decision taken by the foreign offices
  - However, this is unlikely to happen to due (a lack of) political will

Group 2

Possible ways to integrate AI:
- **Acknowledgment of educational/professional background.** When no documents are available, own data could be generated. AI could be used with this purpose.

- AI could support decisions if better data was available along the whole process.

- **Optimization.** In many processes, discretional powers apply. AI could be used to fight this situation. For example, when refugees are divided by Land, many more criteria could be considered, and it would optimize the process and not lead it to discretional criteria.

- Bureaucracy could be reduced by AI systems ("Bürokratie-Abbau")

- AI could be useful for applying "Diversity Wheel" (Diversity Rad) recommendations to processes: https://mbt-berlin.de/material/postkarte-diversity-rad/

- AI could support processes conducted at the Employment Agency.
- AI can help with plausibility check when evaluating refugees' declarations.
- AI can help improving data availability.
- Translations could be supported by AI

Group 3

- AI as an overall orientation/support application for refugees coming to Germany in their mother tongue
- AI could support an efficient and better distribution of refugees to municipalities regarding their individual strenghts and other individual attributes/characteristics
- AI as an enabler for a faster recognition of international certificates/degrees
- AI as an enabler for better/faster integration into the job market

Places where AI might not be included/applied:

- Hearing within the Federal Office for Migration and Refugees
- Lawsuit against the decision of the asylum procedure
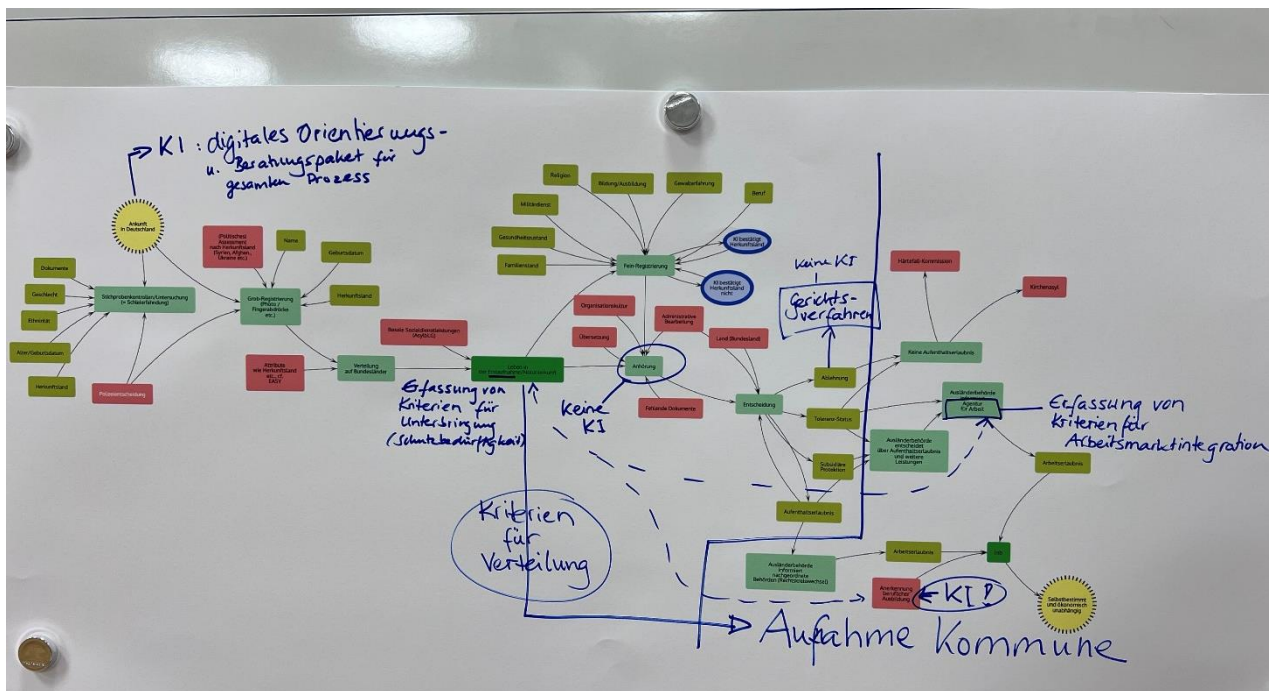
4. Panel discussion (3th July): Evaluating Research Results on Fairness Issues of AI-based Social Assessment in Asylum Processes and Integration of Refugees – Science meets Practice

The panel discussion took place on the following day at the "European Workshop on Algorithmic Fairness" on JGU Campus as an "interactive session", moderated by Frau Prof. Ahrweiler and co-moderated by Elisabeth Späth. At the beginning, the AI FORA project as well as the German case study focus were introduced very briefly.

Thereafter, the structure and main goals of the former workshop day were explained. Some important insights – regarding the discussed criteria and potential of AI - and key messages were highlighted by the workshop participants during this discussion:

The relevance of criteria fairness, efficiency and data quality and how they relate in practice

- o state and federal level have different logic regarding these criteria
- o asylum procedure is highly dependent on political assessment (e.g. safe/unsafe country)
- o fairness issue: refugees depending on to which federal state (Bundesland) they are distributed to
- o fairness issue: acknowledgement of educational background very lengthy, discrimination, bias, racism against refugees; difficulties regarding translation
- o efficiency: time factor
- o margin of discretion -> mood of the person, experience of the person

Potential of AI:

- o Potential for higher data quality -> more efficient and fairer (e. g. communication among different governmental levels, federal states and municipalities)
- o Speeding up processes/efficiency will lead to more fairness -> AI could support in acknowledgement of studies
- o AI systems could help with translation -> reliable translations
- o lack of digitization and lack of bureaucracy -> AI could help here
- o Huge fairness problem: depending on luck -> AI could help here

There were some interesting remarks made/questions posed by the audience. One question emphasized the perspective of refugees and their take on AI use. The project manager/representative of the Refugee Council, for example, highlighted that generally, refugees should be treated equally, irrespective of their country of origin (e.g. Syria or Ukraine); there are still too many differences made in the different processes. AI could help to acknowledge studies and/or vocational background of refugees. In this way, the participant(s) explained that there is a strong link between making processes more efficient and fairer. Another important comment by the audience addressed the notion of (social) justice - not only fairness -, to be discussed.

Key messages

1. We should ask - should we use AI?
   o depending on political decisions
   o we should take into consideration where already forms of discrimination exist -> ethically dangerous to use technology to make a system, which is (already) unfair, more efficient
2. AI will be more important/will be implemented
   o uncertainty where to go
   o problem with margin of discretion -> different opinions a) it would be good idea b) personal decision; -> there are no clear legal rules
3. Important ideas regarding *fairness*
   o to keep barriers as low as possible for refugees
   o to be same, no matter where you come from as a refugee
4. Meta-level reflection is important
   o Interdisciplinary formats are important; science meets practice; affected people should participate in these formats
   o Fairness/justice as cultural construction -> who should get what? Definitions are important (weaknesses/strengths of fairness concepts need to be scrutinized)

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