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Balancing Open Science and Ethics in Migration Research

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The growing movement for “open science” aims to make scientific research more transparent and accessible to all. In addition to open-access to scientific publications, open science advocates for transparent research methodology and data in order to prevent unethical practices and ensure the scientific validity of published studies. For social scientists, however, allowing public access to their data can have significant consequences. Publishing the personal information of research subjects, especially of those from already vulnerable populations, can have implications for participants’ privacy and well-being. The demand for full transparency can therefore come into conflict with the desires of both participants and researchers.

In their article, “Precarious Times, Professional Tensions: The Ethics of Migration Research and the Drive for Scientific Accountability,” Professors Irene Bloemraad and Cecilia Menjivar explore the implications of open science for migration researchers. They ask how migration scholars can balance open science with their responsibility to participants, proposing some best practices to ensure that research is both ethical and transparent. This brief summarizes and contextualizes their argument and its particular relevance given the ongoing expansion of immigration enforcement technology and surveillance.

What is Open Science?

The movement for open science emerged in the early 2000s, and is defined by The United Nations Educational Scientific and Cultural Organization as the effort to make “scientific research and data accessible to all,” a goal facilitated by the internet and other digital tools.¹ In their article, BIMi Faculty Director Bloemraad and Menjivar outline three key components of open science: pre-registration, transparency, and replicability. They focus mainly on the implications of transparency. In scientific research, transparency refers to practices that allow the public to assess the research process and the validity of conclusions. For social scientists, this can entail publishing field notes, interview transcripts, coding and analytic procedures, and even subjects’ names and locations.

The authors discuss different possible levels of transparency, the most extreme being full unmasking, which involves the disclosure of relevant locations, organizations, and identities.² According to the article, proponents of unmasking argue that this kind of contextual information is essential to the interpretation of qualitative data, and that readers

¹ United Nations Educational, Scientific and Cultural Organization. 2017. “Open Science Movement.” Accessed June 25, 2021.

² Bloemraad, Irene and Cecilia Menjivar. 2021. “Precarious Times, Professional Tensions: The Ethics of Migration Research and the Drive for Scientific Accountability.” *International Migration Review*, forthcoming: 12.



and reviewers should therefore have access to that information. Other researchers advocate for less comprehensive transparency, such as disclosing broad regions rather than specific locations or omitting certain biographical details of participants to obscure their identities. Despite the merits of full transparency for the scientific process, Bloemraad and Menjívar argue that even lesser degrees of transparency can pose extreme risks.

Migration Research in an Anti-Immigrant Climate

Scientific research is not conducted within a vacuum. Just as socio-political context should impact how a study's results are interpreted, it should also be taken into consideration in designing ethical and responsible research procedures. The current political climate in the United States and, arguably around the world, is characterized by nationalist, anti-immigrant sentiment. This sentiment manifests in xenophobic rhetoric, militarization of borders, and mass deportations. For migration scholars, this context means that immigrants may feel less comfortable sharing personal or biographical details, and that the publication of these details can have negative consequences.

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The debate over the inclusion of a citizenship question in the U.S. Census, for example, along with President Trump's incendiary and racist remarks on immigration, likely led to a census undercount. Advocacy groups warned that immigrant communities may have hesitated to respond to Census workers due to fear of repercussions for undocumented family or community members.³ In social science research, full transparency could lead to similar fears among participants and discourage participation. These fears are understandable, given the severe potential consequences undocumented immigrants in this country face.

³ Spencer, Christian. 2021. "Census Controversy Brewing over 'Systemic Undercount' of Latinos." *The Hill*, April 28.



An Immigration and Customs Enforcement officer in California in 2019. Source: *The Washington Post*.

The Risks Associated with Technology

The escalation in immigration enforcement goes hand in hand with advances in technology that facilitate surveillance. This climate can both deter vulnerable populations such as migrants and their family members from participating in studies, and harm those who choose to do so. As the authors note, certain migrants are far more vulnerable to the consequences of these developments than others. Undocumented migrants, TPS holders, refugees, migrants of Muslim faith, and other marginalized groups "face increasing risks of indefinite detention, deportation, scrutiny, and social exclusion."⁴ This criminalization of immigrants occurs on a global scale, and should be a concern for migration scholars outside of the U.S. as well.

Today, the reach of border enforcement goes well beyond the physical border itself. In recent years, ICE and DHS have used DMV databases to uncover immigrants' phone numbers, home addresses, and license plates. Biometrics and facial recognition software have also triggered deportation proceedings.⁵ In addition to government databases, ICE has come under scrutiny for the use of private directories in identifying and tracking immigrants. Only months ago, news broke that ICE had used the private utility directory "CLEAR," which holds the records of over 400 million people, in order to locate migrants they had been unsuccessful in

⁴ Bloemraad and Menjívar (2021): 4.

⁵ Friedland, Joan. 2018. "How ICE Uses Databases and Information-Sharing to Deport Immigrants." *The Torch* (blog), *National Immigration Law Center*, January 25.

tracking using “traditional sources.”⁶ In 2020, the American Psychological Association denounced ICE agents’ use of confidential psychotherapy notes as grounds to deny a minor’s asylum claims.⁷ According to a Washington Post report, other unaccompanied minors have been detained as a result of ICE’s use of confidential psychotherapy notes.⁸

Given recent technological advances and ICE’s proven willingness to violate privacy and U.S. law in order to target immigrants, researchers have a responsibility to adapt their privacy techniques, especially when storing data digitally. Bloemraad and Menjívar write, “all researchers—quantitative or qualitative—must be cognizant of the risks associated with electronic data storage and the possibility that others, including governments, can access data.”⁹ They note that masking and de-identification procedures which once protected subjects’ identities may no longer be sufficient, due to technological advances.

While in the past, researchers could rely upon a locked office to protect their notes, transcripts, and files, the increasingly common use of the cloud today leaves research vulnerable to data breaches, with implications for migrants and their families. Not only can the disclosure of someone’s migration status or route of entry cause “severe harms for participants, including detection, detention, and deportation,” but data can also be used by government authorities in migrants’ countries of origin in order to target their family members.¹⁰ Government subpoenas, from which social scientists typically lack the protections afforded to journalists, medical professionals, or religious leaders, pose another risk to confidentiality.¹¹

Recommendations for Researchers

Given the expansion of surveillance and border enforcement, coupled with the advancement of technologies that undermine privacy, it is increasingly important for researchers to

6 Harwell, Drew. 2021. “ICE Investigators Used a Private Utility Database Covering Millions to Pursue Immigration Violations.” *The Washington Post*, February 26.

7 American Psychological Association. 2020. “American Psychological Association Calls for Immediate Halt to Sharing Immigrant Youths’ Confidential Psychotherapy Notes with ICE.” Accessed June 25, 2021.

8 American Psychological Association (2020).

9 Bloemraad and Menjívar (2021): 14.

10 Bloemraad and Menjívar (2021): 31.

11 Bloemraad and Menjívar (2021): 31.

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understand the potential harm that migrants face and implement strategies to protect their information. Bloemraad and Menjívar note that while some may disagree with the ideals of the open science movement, due to its influence on funding decisions, research design, and publication practices, researchers will have to consider and adapt to its core tenets.

With this in mind, they make several recommendations for migration scholars, noting that the specific context of a study should always be taken into account when determining which strategies to adopt:

1. **De-identification/Masking:** Exclude any identifiers from notes, transcripts, and data and use pseudonyms or ID numbers rather than real names. Documents that connect the de-identified and identified data should be kept in a separate location from the data files. Replacing references to specific locations with the general region can also help obscure subjects’ identities.
2. **Certificate of Confidentiality (CoC):** Obtaining a CoC from the National Institute of Health can provide some protection from legal demands for identifying information, such as a government subpoena.
3. **Protecting Private Data:** Using and updating computer and file passwords, encrypting data, and even using computers without internet access can all help prevent a data breach. Researchers should understand the risks associated with cloud storage, which can sometimes be accessed by other members of an institution or upon government demand, and consider alternatives. Quantitative researchers and demographers should consider whether archiving or sharing datasets and codes could



lead to the identification of study participants or the appropriation of these tools to further surveil immigrant populations.

In order to address the specific implications of open science for migration researchers, and forge practices that maintain the ideals of open science and the safety of subjects, Bloemraad and Menjívar call for a dialogue between social scientists and open science advocates, writing, “We worry that the enthusiastic embrace of pre-registration, replicability, and transparency, including the requirement to make data and code

publicly available, could lead to dire, if unintended, consequences.”¹² The article asks researchers to evaluate these consequences, always prioritizing their responsibility to participants.

Like many fields in the United States and globally, the legacy of social science is inseparable from a history of unethical practices which exploited and harmed vulnerable populations in the name of progress. It is essential that the quest for open science does not come at the expense of the people on whom migration research relies—the migrants themselves.

¹² Bloemraad and Menjívar (2021): 35.



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Dewi Zarni is a BIMI Undergraduate Research Fellow and an American Studies major at UC Berkeley, concentrating in the intersection of immigration and criminal justice. She has previously interned with East Bay Sanctuary Covenant's Refugee Rights program and a local immigration attorney. Her current research work for BIMI includes the Mapping Spatial Inequality project and Amplifying Sanctuary Voices Oral History project on climate migration.