

Response from Palantir Technologies

The Business & Human Rights Resource Centre invited Palantir Technologies to respond to allegations in the following materials:

- "[Human rights risks briefing: Palantir's exposure to human rights risks and engagement guidance for investors](#)," Investor Alliance for Human Rights, Nov 2019
- "[Activist investors to pressure privately held Palantir on human rights](#)," Reuters, Nov 2019
- "When technology facilitates ICE raids that violate rights, who is responsible?" Jacinta González, OpenGlobalRights

On 10 January 2020, Palantir Technologies sent the following response:

“Palantir is aware of the questions raised by activist groups and we believe discussion and engagement are important in addressing credible concerns and policy questions related to immigration enforcement. Allegations of Palantir’s involvement in human rights abuses as suggested by these materials are, however, fatally compromised by a number of egregious factual misrepresentations, conflations, and distortions. Moreover, we assert that the extent to which discussions around Palantir’s work with US federal agencies begin with the flawed premise — explicit or implied — that *any* immigration enforcement policy, actions, or support thereof is inherently at odds with or in violation of human rights interests, advocacy groups are doing a severe injustice to a complex policy issue deserving of much more nuanced and careful consideration.

At the outset, we wish to clarify points of common misconception of what Palantir does as a company. Palantir provides software tools to support data integration, responsible management, and analysis of information sources to which our customers have existing access. We do not provide surveillance or collection tools, we are not a “data mining” company, we are not a data retailer or data broker, and we don’t carry out independent analysis or develop work product on our customers’ behalf.

Regarding the actual scope of our involvement with Immigration & Customs Enforcement (ICE), it is important to illuminate that ICE is an umbrella agency within the Department of Homeland Security (DHS) and consists of multiple sub-directorates. The sole sub-directorate with whom Palantir works is [Homeland Security Investigations \(HSI\)](#), the principal investigative component for DHS at large. HSI’s historical and primary mandate is to combat the transnational criminal organizations “illegally exploiting America’s travel, trade, financial and immigration systems” and it carries broad legal authority to investigate a wide range of cross-border criminal activities, including financial crimes, human and drug trafficking, and transnational gang activity. Palantir may serve an important function with respect to one component agency of ICE, but that does not functionally or logically imply that our software in any way attaches to the outcomes or operations of other component agencies or to the institution as a whole.

This organizational distinction is important to note because of the tendency throughout the listed documents to conflate all contentious actions carried out by a multitude of federal agencies with the work of ICE, and to further hold ICE as a monolithic entity. The recurring claim that Palantir plays an active and sizable role in facilitating human rights abuses hinges in no small part on assertions of ICE’s role in carrying out immigration detentions, deportations, “zero tolerance,” and “family separations.” These claims are, however, repeatedly made without any attempt to situate those various actions within their appropriate federal enforcement divisions.

To further elaborate, the specific claims of human rights abuses in the provided documents seem to attach to three primary arguments.

1) “Zero tolerance” family separation measures are alleged to constitute potential human rights violations.

“Zero tolerance” and “Family separation” are specific terms that refer to Border Patrol associated operations. Border Patrol falls within the remit of Customs and Border Protection (CBP), a distinct DHS agency with whom Palantir has no contracts or formal relationships under the current administration. Whether or not zero tolerance enforcement practices constitute a human rights violation, the straightforward fact is that these are actions carried out by agencies with whom Palantir does not work.

2) Allegations have been made of human rights abuses in detention facilities at the border.

Palantir’s customer, Homeland Security Investigations (HSI), does not play a role in either border or interior detention and deportation. The management of detention facilities as well as deportation activities are responsibilities that fall to separate agencies within the federal government with whom Palantir has no contracts or relationships. Palantir plays no role in supporting detention facilities management within any federal departments or agencies.

3) Worksite enforcement operations (so-called “raids”) have resulted in unauthorized workers being held in custody and temporarily separated from family members.

We do not dispute that worksite enforcement falls within HSI’s mandate. It is also the case that under the current administration, HSI and other federal enforcement agencies have been directed to use the discretionary authorities granted under existing law (esp. Immigration Reform and Control Act of 1986) to address both criminal and administrative violations identified in the course of these operations. HSI therefore has the lawful authority in the course of worksite enforcement operations to arrest out-of-status workers, who may then be transferred to Enforcement and Removal Operations (ERO) — a separate sub-directorate of ICE with whom Palantir has no contracts or other formal relationship — for detention and potential removal proceedings for which due process considerations apply. However, characterizing these enforcement actions as “raids” is something that HSI has directly objected to in the past on the grounds that they are, in fact, planned operations that are typically the culmination of months and often years of investigative efforts directed foremost at disrupting the criminal acts of worksite fraud, exploitative labor practices, and the like. Moreover, the suggestion that arresting unauthorized workers encountered in these operations constitutes a human rights violation by virtue of causing a “*de facto* family separation” ignores both the considerable measures carried out by federal enforcement agencies to mitigate the impact on families while straining *ad absurdum* the notion of “family separation.” (Under this characterization, *any* arrest or detention of a parent or guardian under *any* circumstance could be subject to the claim of *de facto* family separation and therefore a human rights violation.)

To be sure, there are legitimate policy questions to be debated around the prioritization, efficacy, economics, and ethics of the administrative facet of worksite enforcement and civil immigration enforcement more broadly. However, claiming that the very act of enforcing current US law (esp. insofar as due process measures are preserved) constitutes a violation of fundamental rights is deeply problematic. Those who wish to advance such claims must also carry the burden of providing a rigorous examination of the rights of states to enact laws governing matters of citizenship, security, and sovereignty. Failing to address these underlying issues both severely undermines the prospects of a serious discussion of the core issues at stake and creates from the get-go an uneven playing field for further examination of the merits of any related enforcement practices.

Finally, the disproportionate focus on specific instances related to worksite enforcement throughout these documents leaves the reader with the suggestion that worksite enforcement represents a significant proportion of HSI’s mission set. But this is flagrantly false and misrepresents the broader mission of the agency. The reality, as supported by the sheer volume of operations and arrest statistics, is that immigration enforcement activities in the form of worksite operations remains a limited portion of HSI’s total responsibilities as an investigative agency with a primary and prevailing

focus on large scale transnational criminal activity.

We believe that activist groups who wish to have a reasonable, grounded, and credible voice in the conversation around immigration policy and enforcement practices must at minimum address the fact that agencies such as HSI serve a much broader role in preserving the safety and securing the economic and institutional interests of the United States. By focusing their efforts on calls for Palantir — a company that provides information systems to one specific division of ICE in support of its expansive mission set covering the investigation of cross-border crimes like opioid trafficking, transnational gangs, child exploitation, and human smuggling — to cease our engagements on the basis of tenuous allegations of complicity in human rights violations, these groups bring us no closer to addressing the core issues at stake with current US immigration policy and may in fact be obfuscating their own intent of advancing compassionate and fair treatment of undocumented immigrants and asylum seekers.”