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Examining The Effects Of Information And Communication Technologies In The Legal Representation Of Latin American Asylum Seekers

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EXAMINING THE EFFECTS OF INFORMATION AND COMMUNICATION

TECHNOLOGIES IN THE LEGAL REPRESENTATION

OF LATIN AMERICAN ASYLUM SEEKERS

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by

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Abstract

The purpose of this thesis was to explore how legal defense nonprofit organizations (NPO) are using Information and Communication Technologies (ICT) to provide legal defense for asylum seekers and improve the conditions of immigrants at detention centers. In addition, this research explored the impact of ICTs on legal defense NPOs, bottlenecks, and security implications when supporting vulnerable communities. ICTs profoundly impacted the way we interact in a post-pandemic world, and it presents new challenges and possibilities for legal defense nonprofit organizations that are helping vulnerable communities. This study consists of staff and volunteers from different legal defense nonprofit organizations NPOs across the U.S.-México border. Inspired by Participant Action Research (PAR) theory, I will use action research to find new possibilities guided by participants and participate as a facilitator to be critical about the possible impact of ICTs for asylum seekers and themself.

My analysis after working as a volunteer for a legal defense NPO for one year and conducting PAR interviews with staff and volunteers about their interactions with ICT, key elements were identified guided by community insights. ICT practices at legal defense NPOs identified as positive for asylum seekers in this study included: constant communication throughout group chats to keep information flowing internally and externally; conducting virtual training to reach remote staff and volunteers simultaneously; sharing legal information almost instantly over cloud services to immigration lawyers; and removing phone call costs to immigrant detainees, by implementing a direct line using a new digital phone system. These study narratives are critical to ensure legal defense NPOs staff and volunteers can improve in their efforts to support asylum seekers and immigrants at detention centers.

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Introduction

Chapter 1

In recent years there has been a steady growth in the number of immigrants around the globe that have been displaced from their home country due to war, climate change and marginal social conditions (UNHCR, 2016). This research study explores how the use Information and Communication Technologies (ICT) at legal representation nonprofit organizations (NPO) for immigrants and refugees, allowing staff and volunteers to communicate internally and externally during a time of crisis such as COVID-19 pandemic. Access to digital communication allows legal defense NPOs to keep the communication flowing between staff and volunteers and connect immigrants to a support network of external aid such as legal defense, translators, and academics. Promoting favorable conditions to improve their living conditions during their time at the detention centers and improves their odds of winning their immigration case.

At the beginning of Spring 2020, I started volunteering at a legal defense nonprofit organization in El Paso, Texas. At the same time, the COVID-19 pandemic was on its first wave creating a national lockdown, making my volunteering completely remote. As part of my volunteering, I was trained to conduct "wellness check" interviews by phone with immigration detainees currently at detention centers across the border. This wellness check survey allowed NPOs to check their current living conditions and identify vulnerable individuals who could be granted legal defense to apply for asylum or parole due to their vulnerable individual needs. First, this project aims to better understand how ICTs can improve the performance of staff and volunteers, helping NPOs serve more clients and increase the success rate of their legal representations cases. Secondly, it looks to identify common bottlenecks of establishing

communications systematically with remote teams during and after a crisis such as the COVID-19 pandemic. Finally, it aims to register the perspectives of nonprofit organizations, legal teams, and academics regarding the importance of ICTs in helping this vulnerable population during a crisis.

Consequences of immigration policy

The number of asylum seeker applications has risen steadily worldwide in the last decade. In 2010 there were 837,445 asylum seekers applications worldwide, and in less than a decade in 2018, that number increased to 3,500,000. That same year in 2018, less than 1,000 refugees from Latin America and the Caribbean were granted protection (Washington, 2020). According to the US Department of Homeland Security, the individual Annual Asylum grants in the United States had lowered almost by half since 2000 (Table 16. Individuals Granted Asylum Affirmatively Or Defensively, 2017), reducing the odds for the growing population of asylum seekers attempting to be granted protection. These numbers put into perspective how Latin American asylum seekers' odds are almost none compared to the rest of the world.

Most of these Latin American refugees are fleeing violence and insecurity, a social problem they have faced in their home countries for decades. Marginal social conditions in Latin America result from centuries of economic policies derived from colonialism that only benefited the specific elite groups rather than the social institutions. The imposition of new economic approaches in Latin American countries by the 1980's, increased income inequality between new billionaires and people living under marginal conditions in the region (Harvey, 2007). A side effect of this social disparity was increased violence in the region, creating social conditions in which Latin Americans' lives were threatened and denied human rights. After decades of living under these unfavorable and inhumane conditions, people have no other option but to flee their

home country in search of refuge. In many cases, refugees from Latin American countries search for protection in the United States since their foreign policy is directly responsible for creating these distressing social conditions in their region (Washington, 2020). Despite the known risks of this journey and the extremely low probability of success, immigrants keep making the inconceivable decision of leaving their families, friends, jobs, house and the comfort and wholeness of their day-to-day activities, looking for a better future.

Legal defense non-profit organizations

Legal defense nonprofit organizations bring legal services to low-income immigrants for free or at a fraction of their cost. These organizations are part of a containment strategy to the increasing mass displacement of people across Latin America, the Caribbean, the Middle East, and Asia into the southern border of the United States. In addition, immigrants under detention at the border are not granted legal defense from the government due to their status, creating a greater need for legal help from NPOs to claim their asylum as refugees (Raper, 2003). Secondly, legal defense NPOs constantly monitor and report about the conditions of immigrants at detention centers to protect detainees' rights and maintain standards for women and vulnerable individuals. This is common across legal defense NPOs that support asylum seekers regarding their conditions at their facilities, hygiene conditions, and health services (Raper, 2003).

Financial and time resources limit legal defense for low-income individuals; many observers debate the efficiency of legal representation for low-income individuals due to organizational constraints. For example, the high caseload of attorneys and the fact that they work in the same counties, in the same courtrooms make them work with the same set of judges and prosecutors for almost all of their cases (Guggenheim, 1986). Moreover, these organizational

constraints for lawyers at legal defense NPOs keep increasing due to the mass displacement of immigrants in recent years.

Although legal help from nonprofit organizations may be limited, this is the best help any low-income individual can get. Since NPOs are familiar with lawyers and the legal system and previous experience of knowing what may work with certain judges or prosecutors (Guggenheim, 1986). Some observants argue that lawyers for low-income individuals achieve the same results, or better than private attorneys, due to their motivations to protect low-income individuals and their ability to stay away from public bureaucracy. (Emmelman, 1993).

Previous research pointed out that NPOs invested fewer resources per capita into ICTs than their counterparts' for-profit organizations (NFO) (Sheh, 1993). This lack of investment was usually due to operational budget constraints, labor unions' refusal, and mainly relying upon volunteer work at NPOs. These budget limitations may impact small-size and small-budget organizations in their ICTs adoption. Unforeseen findings demonstrated that because staff had multiple roles and tasks, small organizations invested big-budget in implementing internet availability across their organizations due to the fact that the majority of the organization required it (Finn et al., 2006). This increasing necessity of connectivity at small organizations has made them invest in ICTs, allowing them to 1) have communication and information flow inside and outside their organization, 2) improve stakeholder engagement, and 3) acquire funding and information from government sources (Zorn et al., 2008). NPO engagement with ICTs has been proven successful for building relationships with the public by engaging in open two-way dialogues using social media (Briones et al., 2011). Although ICTs can be a tremendous improvement for NPOs, they can also present future challenges after being implemented. Briones pointed out that NPOs depended almost entirely on volunteer work to maintain their digital

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communication channels such as websites, blogs, and social media sites like Facebook and Twitter. Even at NPOs where leaders are enthusiastic about ICTs, and economic resources are not limited, organizations need to focus on practical support that encourages practices of continuous training for staff to maintain their internal and external communication (Ihm & Kim, 2021).

Information and communication technologies at NPOs

During my time as a volunteer, I was able to experience the vast range of ICT that are utilized by NPOs to communicate as a team and connect external support to immigrants at detention centers. Many NPOs had realized the potential of these technologies to improve their work (Finn et al., 2006). NPOs solving complex problems where others have failed relied on "continuous communication" between meetings by using ICTs such as web-based messaging groups, allowing them to solve problems together with other network members (Kania & Kramer, 2011).This collective approach requires keeping communication flowing between nonprofits, corporations, and government agencies since they realized no single organization could accomplish these monumental goals alone. For a legal defense NPOs, access to ICTs may include mobile phones and computers to communicate by e-mail, SMS texts, instant messaging apps, cloud databases, video conferencing, and digital phone lines or Voice over IP (VoIP) telephony. The use of multiple communication channels reflects the implications of an increasingly mediated relationship (Panagakos & Horst, 2006). ICTs are constantly changing, driven by consistently lower retail prices, thus altering our tasks (Autor et al., 2003) and our ways to communicate. In a previous study from 2017, e-mail was the most used way to communicate for nonprofit collaboration (Fu, 2017). Our relationship with ICTs has been redefined in just a few years due to our social distancing of COVID-19, creating a more digital

mediated relationship. These limitations directly impact NPOs' access to detention centers and their own offices for employees and volunteers to work. Our new behaviors over technology-related work redefine a new partnership between humans and technology. Even when these technologies are still in early development will have a profound impact on the way we work (Barley et al., 2017). It is critical to have a better understanding of how during a time of crisis, this access to digital communication can be a factor in deciding which individuals succeed in their immigration process against all odds of their immigration journey.

Although there is a body of research about the digital connectivity of immigrants and refugees, most of the studies focus on European and Middle East refugees, creating a gap on the literature about the Latin American asylum seekers coming to the U.S., from an academic perspective. Specifically, there is a lack of research about the impact of deploying ICTs at NPOs using primary data as the source of information. In previous research there is a lack of personal narratives from staff about the importance of these technologies. Also, ICTs were studied from a content analysis perspective about the digital communication posted in social media about border issues. Researchers had studied how people engage with digital media to articulate their opinion about border issues (Meneses et al., 2018), to understand digital transnational digital communications over Twitter about immigration as the central theme.

Participatory Action Approach

To better understand the experience of staff and volunteers working with ICTs at legal defense NPOs, I will employ interviews based on Participatory Action Research PAR methodology, to provide a broader picture of how ICTs impact the odds of success for clients'

cases. Interviews are essential to record narratives and testimony from their personal experiences to recognize and analyze future possibilities and potential issues of these communications.

PAR has been applied in a variety of research, and it usually encompass research with the convergence of work between research and community (Kemmis & McTaggart, 2005). This approach to social research is often associated as foundational ground for emancipatory movements from the twentieth century, especially in Latin America (Streck & Jara, 2015). The proponents of PAR are usually associated with the most marginalized individuals, responding to the realities historical problems of resistance and displacement of Latin America (Streck & Jara, 2015). According to Swantz (2015), "Participatory action research (PAR) consists of people-centered development policies with a focus on people's well-being and sustenance of life so that no part of the population would be left behind and no social groups marginalized. This pertains particularly to women". This collaboration of PAR and women has a long tradition due to its methodology emphasis offering opportunities to silences voices be recognized. Swantz (2015) grounds PAR in the recognition of the need to engage with communities during their development process and encourage participation not just to get participants point of view, but to actively identify with "them", critically reflecting together so no one remains as 'the other' as part of the research.

In this project, I worked as a volunteer for one year at a legal defense NPO at the U.S.-México border, allowing me to work hand-by-hand with other staff and volunteers from legal defense NPOs, to improve access to legal services for asylum seekers, given our privileged access to ICTs and economic advantages. This approach is encouraged by other communication researchers such as Miguel Lechuga (2020), who exhorts us to create new ways of understanding

our reality by learning from these activist communities fighting the aggressive immigration

policies imposed by a history of white settler colonialism.

Purpose of the study

This study is a chronological record of implementing ICTs and their impact on asylum seekers, staff, volunteers, and external aid such as legal defense and academics. Participants for this study worked at a legal defense NPO during the COVID-19 pandemic in 2020. This study opens a free space for interviews to be critical about ICTs and NPOs and explore visionary futures in which ICTs can improve conditions for asylum seekers and immigrants. Based on these interviews about their interactions with ICTs, this study aims to answer: What are the key elements of ICTs to improve the asylum seekers outcomes? What communication channels and services are used by NPOs to communicate? What are the challenges of adopting these ICTs to NPOs? How improving communication for staff and volunteers influence the outcomes of asylum seekers? What are the key elements of ICTs to improve the asylum seekers outcomes? What are the perspectives of staff and volunteers about the privacy of these communications? and What are visionary futures for ICTs at legal representation NPOs? This project aims to advance understanding about the benefits of ICTs at NPOs and how improving their communications may be a determining factor in their success representing asylum cases.

Finally, it aims to bring new information on how ICTs enable digital communication secure spaces for these interactions can happen. These explorations are intended to help other NPOs and teams learn new strategies to create communication channels for legal defense and support networks to improve immigrants' outcomes while protecting their confidentiality. The nature of this study is exploratory and descriptive to gather information, describe and summarize the narratives from staff, lawyers, and academics about their interactions with ICTs. Finally, this study aims to contribute to the communication literature of PAR by examining key elements that

guided by the community created a guideline of best practices using ICTs to overcome

challenges during a time of adversity such as the COVID-19 pandemic.

Literature Review

Chapter 2

Asylum Seekers and Refugees

Population displacement is increasing across the world due to our globalized industrial world that many scholars agree has divided and polarized societies, decreased per capita income across the world, and concentrated wealth and economic power in a small group of people (Ishay, 2007). In 2019, around 70 million people were displaced from their homes; by 2050, it is expected to increase to 250 million (Washington, 2020). In addition, the number of asylum claims have risen in Western countries in during recent years (Raper, 2003). Forced displacement of the population is part of our history and the factors are still the same as centuries ago; political persecution, social violence, and armed conflict intended to obtain political or military power. These economic policies significantly affect the vulnerable population of minority groups, low-income or indigenous groups due to their exclusion from the political elites (Crisp, 2003). These ruling political elites are directly responsible for creating intolerable conditions for these countries, and vulnerable populations are the ones displaced from their country of origin to find protection abroad.

Even when this behavior has been part of our history, governments started to regulate migration and immigration of refuges in the twentieth century defining who is granted status and who is rejected. They began negatively associating asylum seekers with national security and existing citizenship. The original international standard that initially established the definition of an asylum seeker was the 1951 UN Refugee Convention, and described them as:

"owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

According to the United Nations High Commissioner for Refugees' Handbook on Procedures and Criteria for Determining Refugee Status (Moussalli, 1979), to be granted refugee status, the asylum applicant requires a well-founded and reasonable fear that becomes so intolerant for the applicant at the point of limiting her stay in their country. This protection can provide be asylum status, withholding of removal, and protection against deportation afforded by the Convention Against Torture (CAT) (Washington, 2020). However, this protection only applied to people within Europe, and until the 1967 Protocol, this same protection expanded to those arriving from Latin America, Africa, and Asia that were also affected by the Cold War (Winters, 2004). Even when the UN extended this protection to more than 140 countries, including Latin America and the Caribbean, we can observe different attitudes and acceptance percentages towards specific nationalities. This can be seen in a government memorandum from the Immigration and Naturalization Services in 1982 in which they stated "Different criteria sometimes may be applied to different nationalities … In some cases, different levels of proof are required of different asylum applicants" exemplifying a different interpretation of the 1951 Refugee Convention and 1980 refugee Act (Washington, 2020). These racial and colonial hierarchies are still present in our legal system, where asylum seekers are constantly at risk of removal, even

when going back to their country of origin can have extreme consequences as their death (Slack, 2019).

By the end of last century, after the recent World Trade Center bombing attacks of 1993, congress passed the Illegal Immigration Reform and Responsibility Act of 1996 (IIRIRA) and created new proceedings for "expedited removal" of arriving immigrants, which without their right to see an asylum officer or immigration judge, low-level inspection officers were granted the authority to make decisions about removal or acceptance (Gebisa, 2007). According to the 1951 UN Refugee Convention, it is a right for immigrants to defend themselves in front of an immigration judge or asylum officer before removal. After IIRIRA, immigrants need to notify officials about their fear of returning to their home country to be granted access to see an asylum officer. Once they meet with an asylum officer, they conduct a credible fear interview or CFI, where they need to relate their story, and the officer determines the credibility of fear based on his or her judgment to be presented to an immigration judge If the applicant passed the credible fear interview, there are only five categories to appeal for ICE parole: pregnant women, if they are witnesses of a crime and willing to testify, minors, severe medical conditions, or are aliens "whose continued dentation is not in the public interest." (Washington, 2020). Even for asylum seekers applicants with credible fear a favorable outcome cannot be assure, due to external geopolitical factors that impact such as their country of origin, rather than specific circumstances of their immigration case (Slack, 2019).

Neo Liberalism in Latin America

There is a history of U.S. foreign policies affecting Latin Americans countries' social conditions that had resulted in economic instability, social insecurity, and environmental

degradation, mainly affecting the vulnerable sectors of the population. At the beginning of 1980 Latin America was hit by the first wave of forced neoliberalism, making it a lost decade full of economic problems. Harvey (2007) described how 1982 México economic crisis made the country go bankrupt, forcing them to take for the first time a loan from the Worlds Bank that forced México to implement neoliberalist structural reforms, such as privatizing their financial system and opening their internal market to external interests. These neoliberal reforms resulted on economic hardship, illness and infant mortality, unemployment, and a sharp reduction of wages (Lustig, 1990).

These policies are attributed to a group of elite Chilean economists from the University of Chicago during the 1970s, who favored the public sector rather than the governmental institutions. Since then, the imposition of this economic model has negatively impacted Latin American countries' development (Harvey, 2007), increasing the socioeconomic gap and creating more inequalities between new billionaires and marginal individuals that lived under precarious living conditions. During the 1990s, as a measure to improve these decaying social conditions, a new international economic trade was celebrated to stimulate the economic growth of the United States, Canada, and Mexico. The North American Free Trade Agreement (NAFTA) was drafted to accelerate production between countries to lower goods prices and improve living and working conditions (Villareal & Fergusson, 2017). One criticism was the unseen effect on the México's agriculture sector, making farm owners vulnerable to the aggressive prices of the United States due to their industrial production advantages (Washington, 2020). Due to international investors looking for lowered costs and better production conditions, the border region between México and the USA was transformed into a manufacturing region that attracted international investment due to their tax-exempt, low-regulated, low-wage benefits (Tarin et al.,

2019). This new reality of economic instability and low opportunities for social-economic movement has created conditions that increase violence, scarcity, and deny basic security to marginal individuals. This escalation of violence has been linked to NAFTA and global trade, increasing, trafficking, weapons, and drugs (Harijan, 2014). In specific, this violence has been directed to women, by mass rapes and killing across Latin America, such as the killings and gang rape in Chiapas 1994 of Zapatistas women by Mexican soldiers or the unsolved serial torture murders Cd. Juarez, Chihuahua of over 400 young women and more than 4000 still missing in at the beginning of the 2000's (Harijan, 2005).

Even when governments around the world had mainly tried to deter or obstruct asylum seekers from their territories, there are also proposed and tested strategies to improve government actions towards refugees communities such as 1) reducing migration pressure in the region with development assistance, 2) open regular channels for labor migration, 3) migration campaigns to educate about realistic expectations and 4) introducing "humanitarian visa" programs for people considered at risk to apply directly from their home country embassy (Crisp, 2003). These strategies are still limited and may even cause unintended effects but can present us with opportunities to improve outcomes for current and future asylum seekers. The government regulating refugees' migration as part of their national security agenda is being used as weapons on international conflict across the globe, from Africa's Great Lakes to North Korea (Winters, 2004). More recently, these practices were also part of the Trump administration from 2016 to 2020, where a hateful rhetoric was directed to immigrants, especially Mexicans.

Trump Era

At the beginning of Donald Trump's presidential campaign, he directly blamed México for sending people with many problems to the US as part of his opening speech. Trump said, "They're bringing drugs. They're bringing crime. They're rapists." while promoting his campaign slogan, "Make America Great Again" (Phillips, 2017). This argument was used as his main campaign proposal and used throughout his four years in office, declaring war on immigrants and creating a sentiment of hate endorsed by the oval office. His hateful rhetoric extended to categorizing immigrant gangs as subhuman, referring to them as 'animals, not people at a public event at the White House. Historically, practices of liking people to animals, denning their human condition are usually linked to genocidal conflicts (Warnock, 2019). This dehumanizing rhetoric promoted a racist agenda in which immigrants are seen as invaders, justifying violence against their communities, as in the tragic El Paso shooting on August 3, 2019, in where 22 people were killed (Moore & Berman, 2019). After being arrested, the perpetrator declared he was targeting "Mexicans" (Moore & Berman, 2019). He left a manifest intended to circulate fear and instigate others to follow his actions, and in which he described his strategic plan against the "Hispanic Invasion of Texas" (Maldonado, 2020).

As part of President Donald Trump's immigration policy, during his first days in office on January 25, 2017, through an executive order he directed Homeland Security to select local and state law-enforcement officers to act as federal immigration agents granting officials with the same level of authority immigration judges. Also ordered ICE to hire 10,000 Enforcement and Removal Operations (ERO) (American Immigration Council, 2017) to expedite the removal of immigrants. He also created a new Office for Victims of Immigration Crime Engagement (VOICE), as a hotline for information about victims' services perpetrated by immigrants and

information about the status of custodial immigrant offenders. This office intended to portray immigrants as criminals by reporting weekly statistics of immigrants' crimes as part of the political agenda, even when data shows that legal and undocumented immigrants are less likely to commit crimes and are less likely to be incarcerated than U.S.-born citizens (Landgrave & Nowrasteh, 2017). In the following months, the Trump administration enforced a set of stricter policies aimed at deporting and limiting the rights of legal immigrants. As a result, the immigration system changed abruptly by canceling the "catch-and-release" policy, termination of the Temporary Protected Status for Central Americans, family separation policy, operation streamline, and reducing the number of refugees in the US, increasing the population of Latin American immigrants under US custody (Washington, 2020). These changes ended in 2020 by being the lowest year in the number of refugees accepted in the history of the United States, undermining foreign policy goals, and ending a longstanding role as a protector for persecuted individuals (Reuters, 2020). During the Obama administration, a new immigration policy, "catch-and-release," was set to alleviate asylum seekers and other low-risk immigrants while waited for the immigration court hearing. This new set of policies classified asylum seekers as arriving aliens, ineligible for parole.

Information and Communication Technologies (ICT)

Adopting of Information and Communication Technologies (ICT) at work from cloud computing, process automation, and machine learning has altered the way work is accomplished at organizations (Jain & Ranjan, 2020). There are different definitions for what ICTs are, from an information technology-mediated communication perspective. By the beginning of this century, ICTs also made it possible for organizations to move from a centralized structure to mostly decentralized and dispersed virtual teams (Powell et al., 2006). This dramatic change in

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how information can be shared allowed new teams to contribute beyond any geographical or physical boundary. (Ahuja & Galvin, 2003). Even when ICTs have proven to be superior in conducting repetitive tasks following a set of rules, technology still struggles with cognitive tasks involving complex communication (Autor et al., 2003). here is also literature that suggests that ICTs at work have adverse effects, making jobs less satisfying (Kraut et al., 1989) associated with more intense tasks, greater surveillance, and devaluation of workers' skills (Zorn et al., 2008).

Security Vulnerabilities

ICTs can enable communication flowing across nonprofit organizations (NPO), but it can present security threats to staff, volunteers, and immigrants. This digital connectivity to web services and social media can also reveal private information from individuals that can be used as a vetting tool for asylum applicants (Bolhuis & van Wijk, 2019). In 2019 the US immigration system updated its requirements for visa applications to submit their social media accounts from the past five years (Garcia, 2019). Immigrant advocates criticized this as a continuous effort from the Department of Homeland Security to extend their surveillance programs.

Potential privacy threats while using digital communications on social media can be a reality for staff, volunteers, and migrants since they use Facebook to communicate during their journey and stay at migrant shelters (Rae et al., 2018). Facebook is a social media platform well known for its lack of privacy (Cadwalladr & Graham-Harrison, 2018). It has controversially granted access without authorization to data that contained personally identifiable information (PII) of 87 million uninformed Facebook users to a private company (Isaak & Hanna, 2018) and their direct engagement with public security agencies (Garcia, 2019). In 2021, Facebook CEO

had to rebrand the company as part of their public relations strategy as a distraction of current criticism for privacy and security concerns and their limited vision of the long-term impact (Paul, 2021). These are real privacy concerns that are important to acknowledge in analyzing the impact of ICTs at legal representation NPOs for immigrants due to the inherent security challenges of using ICTs.

On October 5, 2021, major web applications such as WhatsApp, Instagram and Facebook went down globally, leaving business and professional without access to communicate with their customers (Cheng, 2021). This black out was attributed to be caused by an internal technical change creating a global virtual halt (Franklin & Chappell, 2021). In addition, this communicational blackout that specially affected developing countries where access to ICTs can be extremely expensive. Mobile phones and social media are new digital communication mediums that maximize utility and minimize costs for communication due to their open access and minimal cost (Emmer et al., 2020). This low entry cost for international communication attracts asylum seekers to this new medium. A critical aspect of ICTs is to allow them to receive news and information from their support network in their country of origin since after their departure, the information about their wellbeing can be scarce (Kutscher & Kreß, 2018). Overall, these web applications allow communication by a minimal cost, but are still susceptible to go down due to technical issue or are not entirely protected to assure privacy in their communications.

Methodology

Chapter 3

In this chapter I describe the methodology I used to conduct my study. On October 25, 2021, an official approval was obtained from the Institutional Review Board, from the University of Texas at El Paso (UTEP) to conduct this study, using following consent protocols (see Appendix A), Interview Guide (See Appendix B) and Codebook (see Appendix C).

This study consists of staff and volunteers from different legal defense non-profit organizations (NPO) across the U.S.-México border, currently working with immigrants at detention centers. All participants were over the age of 18 and be freely willing to participate in the study. A total of seven participants agreed to be interviewed for the study. Inspired by Participant Action Research (PAR) theory I will use action research find new possibilities guided by participants and participate as a facilitator to be critical about possible impact of ICTs for asylum seekers and themself. As part of PAR methodology, I will enable participant based on their experiences, to imagine visionary futures for ICTs having a positive effect on asylum seekers and legal defense NPOs. A series of 1-hour in-depth semi-structured interviews were conducted by phone or video calls. The semi-structured interview format guided the conversation to gather narrative accounts of personal experiences and understand how their use of digital media interconnects with their work at a legal defense NPO and identified new emancipatory opportunities suggested by participants. To keep participants voice visible and recognize their role as research producers (Ungar, 2004), short excerpts from their narratives will be used as direct quotes to understand how ICTs play a role at legal defense NPOs during COVID-19.

These interviews will follow a qualitative approach for data collection and analysis, allowing new variables to emerge. The qualitative research approach is fitting for this project due

to its valuing of life experience, building full descriptions of the context, unmuting minority voices, promoting tolerance by avoiding generalization, and fully self-revising biased standpoints (Ungar, 2004). This project aims to better understand the impact of ICTs in helping legal defense NPOs communicate with internal staff and volunteers and external aid to help immigrants, specifically asylum seekers detained at migrant detention centers.

Selection of Participants

Participants were recruited based on my personal interactions with employees and staff from legal representation NPOs while my volunteering at a legal representation NPO in 2020. The remaining of the participants were referred to me by using the snowball sampling method. This access to this group of participants was a privileged opportunity that was preceded by hours of teamwork over group chats, creating trust-building conversations for rapport building by talking about their challenges and their personal goals before starting any interviews. These conversations allowed a better understanding of their personal perspectives, challenges, and visionary futures for these technologies. Interviewees were ensured total confidentiality and all the information about their work at legal representation NPOs, any information that could compromise their anonymity will be covered to protect their privacy.

As we move to new digital environments privacy and confidentiality are not guaranteed due to the nature. In this study the following procedures were used to keep their personal information as confidential as possible. Information transcribed from the or interviews did not used any personal identificatory used pseudonyms. All records from the audio, video, and transcriptions from the interviews were locally stored, under a password protected and encrypted external hard drive. Fragments from the interview were transcribed to be use as direct quotes. All

the data remains stored until Spring 2022 and destroyed upon completion of the project. Only the research team had access to this data.

Methods of Data Collection

My methods for data-collection are based on action research traditions, using interview as a communicative tool to generate action through mutual reflection of current problems and a possible visionary future (Nielsen & Lyhne, 2016). Inspired by critical utopian action research in which criticism of current conditions its complemented by exploring possible solutions for a future we want to live in.

Participatory Action Research Interviews

A Participatory Action Research approach to qualitative research allows us to rethink our goals and methodology for conducting interviews. We can explore how to generate action through our interview process by looking for the emancipatory potential as the main focus of our practice. (Nielsen & Lyhne, 2016). It is important to develop new skills as interviewers, since 90% of social science investigations use interview data (Briggs, 1986). Action-oriented research as a proposal to integrate the methodology of action research during interviews, one of the most used processes to gather information between researchers and the community.

First, I will describe key elements from their PAR interviews approach: research involvement, free spaces, and critical approach. Then I will explain how through interviews we can create a free space to be critical about our past, present and think about "visionary futures". This is concept derived from Nielsen & Lyhne description of "critical utopian" action research view. For a better understanding of this concept for me and participant, I described it as

"visionary future". Finally, I will explore the reliability, ethical and action implications of this approach.

Researcher Involvement

Two different approaches can be argued for the participation of the researcher in their relationship with participants and society (Nielsen & Lyhne, 2016). For Skjervheim it is important to have the researcher in the field, to create a common reality with the participant, while for Habermas having researchers on the field represents a risk of adding the interest of the researcher and preventing the real criticism of society Assuming roles from the area of research interest to enables direct contact with the communities for our study (Kluckhohn, 1940). In "The Participant Observation Technique in Small Communities" Kluckhohn emphasized that this effort will force us to analyze our own role in our study, increasing our objectivity and making us more being more aware of our personal biases.

Action research scholars invite us to blur boundaries between "researcher and researched" (Upton, 2017) and engage in projects to create meaningful relationships with participants. This involvement with participants allows the researcher to generate the trust with participants and situations to conduct effectively interviews with them. This approach often leads the researcher to create relationships with key consultants that due to their verbal abilities and willingness to share information can contribute profound insights information about their communities (Nielsen & Lyhne, 2016).

Critical approach

Critical theory and action research can be the foundation for qualitative interview, by having a reflexive emancipatory component that allow us to criticize the institutions and identify opportunities for change. The methodological elements from action-oriented interviews are a

combination between critical theory and action research in which the interviewer and participant create common understanding through dialog about the past, present, and future. This self-reflection and uncovering of layers of meaning is attributed to classical hermeneutics and is used to describe how we can reflect in the emancipatory potentials that are not seen at first sight in an interview.

Free Spaces

To move from only criticism to action research, we can use the same methodology to criticize institutions and find utopian perspectives to facilitate the start of action to change institutions. This is possible by creating "free spaces" in which research and participants work together to create future scenarios that can potentially be put into action to improve their conditions.

Similar open spaces for community are used in action research methodologies such as "co-conspiring" (Upton, 2017). This research method is grounded on invitational rhetoric and decolonization practices. This methodology aims to change problematic structures through creative community engagement, by co-conspiring between researcher and community creative possibilities and approaches to transcend current limitations. By consciously avoiding Eurocentricity rigid approach to research, co-conspiring methodology allow us to move from our position of researcher assuming that we have to be right, to new possibilities guided by the community (Upton, 2017). This approach also focus on the creating of open spaces for community members, in which they are all equal, all together looking for new possibilities for change guided by the community. Free spaces for the interviews open possibilities to openly discuss issues that are not talked about in everyday life, creating the conditions for future ideas

and possibilities within the system. This was possible due to "free-spaces" in which participants were not held accountable for their views (Nielsen & Lyhne, 2016).

Interview Process

For PAR interviews, we should start our interviews with a conversation about the interview theme, then be critical and reflexive on the subject, and finally move to utopian and visionary futures that can bring new beginnings for potential outcomes. Before every call, I reflected about the interview setup, sensitivity about the topics, goals of research and possible outcomes. Even when interviews are systematic, we need to find a free space for participants to disclosure. To do this, first I started my interview with being open with the interviewees about the approach, creating a confidential relationship and giving them the right to be anonymous as the base for a free space. Then I asked them to describe their work and how they did communicate at the legal defense NPO they worked. Secondly, I asked them to be critical about their perceptions of current and past ICTs. By asking them to describe a situation when ICTs did not work as expected and asking them about training or rules about these technologies. During interviews, we can also use dialog to reveal actual structures that are hidden in the organization, such as frozen organizational patterns for action. For this I ask participants about how they saved and shared legal information from their organizations and clients. Finally, I opened conversation with participants who can bring action and change. This process empowered staff and volunteers to think about utopian visionary futures. For this I asked them to imagine new possibilities and ask them, how you imagine a visionary use of your ICTs in the future? What do you think will be the impact of improving ICTs for their clients?

Action and Ethical implications

After finding some insights, we need to focus on the initiatives that bring these ideas into action. We can also create workshops to put participants and ideas for validation. Sometimes a coordination plan can be implemented to know the following steps to take action (Nielsen & Lyhne, 2016), ask us to keep using this approach in academia to be refined and accepted as a comprehensive approach.

At the time of learning about the worries, dissatisfactions, and vision of their future, if we do not take action then it involves ethical responsibilities that we need to reflect on (Hilsen, 2006). According to Hilsen (2006), we are obligated to ethically act upon the society we want to construct through the contributions of our research. For Nielsen and Lyhne (2016), researchers must serve as discussion partner, with real knowledge of the subject to bring to the dialog for reflection. Potential for action depends on the insights of the researcher and participants to identify potential actions that can drive change.

Reliability

To keep the reliability researchers, should standardize their questions, but this could only be possible if the meaning will represent the same for every participant, changing the validity of the question. Reliability and validity are incompatible goals. Also we need to acknowledge that interviews can induce bias due to their age, race, political view, etc. reducing reliability in replicating their finding in their future or validity the accuracy of their technique (Briggs, 1986).

After organizing and preparing the data for analysis, I started to systematically coding interviews by labeling excerpts from our conversations about specific key concepts. Based on previous codebook structures (Tracy & Rivera, 2010) I created three first-level codes and four second-level codes about emerging findings. Through this analysis I used constant comparative

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method to actively update my code definitions based on new data, creating secondary level to analyze in detail specific. All these finding was stored in a spreadsheet having different columns for each code group. This allowed me to constantly compare my findings with my initial questions and motivations for this study. Finally, I created an outline based to describe potential themes that may contribute to identifying the bottlenecks to systematically establishing communications with remote teams during COVID-19 and post-pandemic time.

Analysis

Chapter 4

To better understand the usages and impact of Information and Communication Technologies (ICT) for legal defense nonprofit organizations (NPO) and their clients asylum seekers, I conducted opened-ended Participant Action research (PAR) interviews in which I encouraged participants to talk about their perspectives to describe their interactions with ICTs. This approach allowed me to identify key elements of these communication technologies that present new opportunities from previous approaches that were unforeseen before this new normality. Participants were briefed about the project's scope and opened the conversation by talking about their role at NPOs during COVID-19. Participants offered insights about the use of ICTs to communicate internally and externally with the organization during the pandemic, the impact of ICTs on asylum seekers, common bottlenecks, and possible security issues. Finally, as part of PAR interview methodology, participants were asked to imagine a "visionary future" based on their perspectives of a possible future in which ICTs fully enable them to conduct their work to its fullest. Rather than focusing on technical aspects of each platform or service, interviews focused on participants' experiences.

Participants described their role at legal defense NPOs, ranging from staff coordinators, volunteers, and academics. Coordinators described their work arranging interviews with potential clients for paralegal services and coordinating intake and wellness check interviews with volunteers groups. These interviews help NPOs to gather information about individuals to evaluate if they qualified for asylum or other legal avenues available to get them out of detention centers. Volunteers' role was to conduct intakes and wellness check interviews through phone calls with immigrants currently at a detention center. After conducting interviews, volunteers

transcribe a written summary from their interview and then upload their digital files to a shared database that will host and transfer their information for external legal services to review each case.

Legal defense NPOs working with ICTs

Participants talked about the impact of ICTs at legal defense NPOs during the COVID-19 pandemic and showed how critical it is to maintain communication with remote teams during lockdowns and for getting access to immigration detention centers by using VoIP systems. Participants acknowledged the importance of ICTs in reaching asylum seekers and connecting them with legal defense at critical times.

> I believe, is vital, you know, if we didn't have those avenues and you know, then there would probably be no medium to get with our potential clients because the pandemic was very like logistically hard and impractical to reach our clients. You know, so those technologies did facilitate, and if it wasn't for that, like I said to me it meant vital, it was necessary, you know?

Sharing information about immigration cases across the organizations is possible by taking advantage of cloud storage services like Airtable for staff and volunteers, and Box Legal to share legal documents with lawyers. All the information about immigrants' personal stories, detention trials, personal and medical information is registered on these platforms. In addition, staff and volunteers can see the status of each case and upload summary documents after each intake.

> Even the like the speed in which things get documented, I finished the intake and I upload it right away once I'm done. So compared to, "Oh, I'm at the facility, I need to take this intake to the office". So, it really speeds up the process, which is valuable in these kinds of settings, especially in the legal setting, because we're dealing with people that are detained.

This information critical in the outcomes of vulnerable individuals and is directly shared with attorneys that can immediately review it and search legal avenues for each case.

After NPOs meetings and group events, continuous communication was done over direct text messages or Short Message Service (SMS) and later over WhatsApp Groups, allowing all members to communicate simultaneously, thus speeding up information flow. This was crucial for teams due to the constant changes in the immigration system creating new challenges to communicate with immigrants. Participants described how useful it was to have quick help during a critical time, such as interviews inside detention centers:

> It was a lot easier, and, in the WhatsApp group was really good because let's say I had a question like during the interview I could text her real quick and someone would get back to me like whoever knew the answer.

Even when e-mail, SMS, and digital phone lines were also used to communicate internally and externally, WhatsApp groups were the main channel for keeping communication flowing and coordinating the staff and volunteers' efforts.

Training also migrated to virtual meetings using the Zoom video platform in which volunteers meet with a coordinator to review interview documentation templates or update them on new policies to connect with detainees. Participants view this transition of training over ICTs as something positive as they described, "Technology allows for training to happen quicker to train new people." Virtual training also removed commuting, an activity that can cause higher burn out on volunteers since transportation is not usually covered. The video conference platform Zoom, was also used to host voluntary sessions on Friday, for staff and volunteers to join a mindfulness space with counseling available. Virtual spaces presented an opportunity for secure spaces for staff and volunteers to share their unique challenges of working on immigration cases with sensitive information.

Collaboration was made facilitated for participants by using ICTs, as one of explains "It just make sense to be able to work on it live, and like that I can see in on her screen, rather than

like each doing a word document, and then trying to compile". Participants working on survey

templates will save all their document versions over a cloud service such as Google Drive to

work together or asynchronous on the same document. These practices saved time and errors at

the time of updating interview templates versions.

Impact of ICTs on asylum seekers

        Participants reported that ICTs were very important to conduct their tasks at the legal

defense NPOs; allowing them to communicate to the immigrant population from any remote

location during the pandemic was critical while helping asylum seekers. Before COVID-19,

interviews were performed directly inside detention centers, usually outside city limits about

one-hour drive both ways. Moreover, access to these facilities is limited, background checks and

fingerprinting are required to conduct interviews. In addition, during the pandemic lockdown,

detention centers across the border limited access to external visitors to limit outbreaks of

COVID-19. As one participant reported how ICTs enable them to check in with detainee's more

easily:

> Well, I think it was really great in terms of the agility to just switch to online. Meant their
> work could continue more or less uninterrupted. And I think it also was very meaningful
> because there were added difficulties in detainee's life during the pandemic. So to be able
> to check on things like cleanliness, on whether anyone is feeling sick or what the medical
> conditions are like, I think that's also really valuable.

Storing interview information over the cloud was reported as being extremely useful to track the

status of each case, wellness check interviews or intake summaries helping to speed up the

process of legal cases. In addition, the adoption of these platforms allowed participants to

process more immigrants due to improvement on process time due to ICTs' data accessibility.

Finally, an ICT feature highlighted was its ability to relieve some stress of an already emotionally difficult task as conducting intake interviews to record immigrants' life story, as a participant expressed:

> I think will be able to process many more individuals, and I know that's an issue, because we had a backlog, and I'm sure that backlog has only increased, so it just makes it easier and I feel the intake process is time consuming but also like emotionally draining, so on my end, I will like to facilitate the rest of the process. You already did the actual interview, everything else should be easy, and I mean it is but is tedious, time consuming.

Participants talked about the importance of ICTs enabling NPOs to work with people from remote locations. It allowed participants to build up social connections, and as one participant said, "It's really nice to feel connected to people, even though you're in different cities and like a lot of the interns last summer were in different cities in the US as well". This allowed NPOs to keep working even with staff and volunteers that relocated through the pandemic.

Finally, participants reported digital phone lines or Voice over IP (VoIP) system called "3CX" as an overall improvement for immigrants. The system allowed staff and volunteers to make direct calls to the detention center without wasting detainees' free minutes.

> So, although we had some bugs with 3CX the quality of the audio was already bad, and with this app is even worst. But I rather do that. Is like a good trade I guess, than spending people's money and just going through a process that will elongate the interview much more. I mean, is already pretty long so it made it like a 3-hour process, when the calls keep dropping.

Every detain immigrant is granted free minutes on a weekly basis and are usually used to contact their families or support networks. This ICT implementation avowing any speeding on detainees' free minutes, was perceived as an improvement across participants even when the calls audio quality was considerably diminished due to technological issues.

Challenges of deploying ICTs at legal defense NPOs

Given participants' experiences working at different legal defense NPOs across the U.S. and México border, they were able to describe how ICTs were able to communicate internally and externally during COVID-19 and well as identify communication bottlenecks and possible security issues. To derive a more comprehensive understanding of the positive and negative sides of utilizing ICTs participants were asked if "they had any issue, or something did not work as expected when using an ICT". Participants reported technical issues, but their main concern was training as part of implementing ICTs. Even when legal defense NPOs were conducing training over video platforms, new technology brings new challenges for users. Participants reported asking over WhatsApp groups for suggestions over how to login to platforms, or how to do a three-way call to connect a translator with an asylum seeker to conduct an intake. As one of the participants expressed:

> There wasn't really much training or information on how to use it or how to receive calls or how to transfer calls. No one really told me what was the best option or what I was supposed to be using or any protocols for it or where or how to transfer calls. I just received a call whenever I transferred to us, so I didn't receive any training on the the service, the calling service

Moreover, issues with voice lines were the common technical issue reported and since this was the main communication channel with immigrants it was imperative to have a reliable service. As one participant described "the way that we were communicating with them was really reliant on them having access to reliable phone lines, which were not always the case and there was lots of instances." Participants described the audio quality on their calls to the detention centers as bad, and the impact this had on their work:

> For instance, one man that I spoke with, the phone connection was poor and I couldn't hear him. And so, he would be telling me things that are, I guess you could say, very sensitive and I would have to ask him to repeat. And at some point it just didn't feel fair

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to him because I'm asking him to repeat. And because these interview details are very important, so I just can't let things slide. But when I would ask him to repeat at some point, I felt like it's not fair to dismantle, I cancel the interview and I said, you have to call back when there's a better phone connection.

Another issue during interviews was that calls will drop very frequently due to technical issues on both sides of the call, causing some participants to lose contact with detainees due to technical issues over the lines as one of the participants reported.

> I was taking a call and the call dropped, I just lost contact. There was a girl calling me and she needed money, but no one could deposit. So, I think they could see that the interview was incomplete, and we could not reach out to the person again, they could call back, but I never spoke to that person again, I'm not sure what happened to them.

Another challenge of call interviews was the audio only limitation. For participants that used to conduct personal interviews, visual communication was key to read facial expression through different questions and adjust accordingly. Also, it allowed the interviewer to understand the security limitations of detainees at the time of disclosure of sensitive information.

One participant expressed the importance of getting people's stories right. During the wellness checks and intake interviews legal defense NPOs ask immigrants about any kind of abuse during their detention time. It can be hard to obtain this information due to the ICTs limitations and vulnerabilities that interviewers and detainees perceive. This can be a sensitive issue while conducting interviews as one participant said:

> But for example, in intakes, there were questions about abuse from officers, sexual abuse from officers and that kind of thing. And a detainee is never going to disclose over a phone that is ICE monitoring. And you're here to share that with such a sensitive topic, with someone that is there in person that you are seeing and connecting with.

This inability for full disclosure during their interview may limit the information available for lawyers to take their case, directly affecting their immigration outcome. Interviewers are not aware of the condition's detainees face during their interviews, as one participant explained "As

we are conducting interviews over the phone, we don't even know if there's someone pressuring them to answer a certain way." This is a new limitation from a restrictions and voice-only access during the pandemic to detention centers. Moreover, during COVID-19 lockdowns, communication with officials at detention centers was also reported also as difficult. Most of the time, this communication was by e-mail to schedule appointments with detainees. One participant described this as a constant struggle since "A lot of my calls got canceled or they never happened." Even when calls were confirmed detainees had to be notified and allow to make the call the NPO line number to start the interview.

Security and Privacy Implications

Due to our increasingly mediated relationship, it is important to examine positive and negative impacts of ICTs at these legal organizations and their clients. When participants were asked about the impact of improving ICTs a common topic was the improvement of security and privacy for detainees. When participants talked about privacy concerns over WhatsApp, they named other communication apps used by other NPOs, that put privacy and anonymity at the center of their services such as Signal and Telegram. One participant mentioned the exclusively use of Signal for sensitive information, explaining "I would move away from WhatsApp because of the security concerns. It's also crashed a bunch lately. Which doesn't make it super reliable". These confidentially issues emerged from different participants that were concerned about information handing of detained immigrants, and due the implication of keeping confidentiality especially for a vulnerable population. As described by a participant:

> Confidentiality, especially when you're working with human subjects, is very delicate. And I was surprised how easy it was, how transferable the information was between us and in these platforms like WhatsApp. I think WhatsApp is very informal and still we were sharing or we could have shared information from the participants.

Participants discussed about the need of protocols for these ICTs to limit how to share sensitive information and through specific channels. From their experience working on different NPOs and research labs one participant described their security protocols:

> Everything was password encrypted and was in different lines of communication. We were not able directly into the database, right? So you will have access, you will use when you mention password encrypted, so you will do the same. I mean, you will save the document. You will be encrypted at a password to it, send it to email and then someone else will remove the password and then uploaded to the database.

Participants talked about the challenges of working with ICTs for legal defense NPOs, from their personal devices. Due to the unforeseen technological change since the pandemic, NPOs organizations rely on the personal devices of volunteers to conduct their tasks. At the beginning of the pandemic, volunteers used their personal numbers to connect calls inside the detention centers. Their personal information was not disclosed but their personal numbers were shared among detainees trying to contact legal defense NPOs offices. One participant expresses feeling uncomfortable with detainees having their personal numbers:

> It was receiving a call from someone who has spent time in federal prison for like an actual, you know, a crime where they served 12 years, and so it wasn't just for entering the country and, you know, whatever, whatever, but then it crossed my mind that, you know, this is someone who is pretty high up in organized crime, who has my personal number and I don't know how I feel about that.

Confidentiality and security issues are also critical for staff and volunteer. This privacy issue was later alleviated during the pandemic by implementing digital phone lines that staff and participants could call directly from their personal smart phones and communicate with inmates without revealing any personal information rather than a shared extension number.

PAR Visionary Futures

In the last section of the interview, I facilitated a free space for participants to allow them to imagine about visionary futures of ICTs at legal defense NPOs and reflect about the possible outcome of these communication technologies for asylum seekers. As part of PAR methodology, I served as a facilitator for them to express their personal beliefs and ideas of what would be the key elements that could improve how legal defense NPOs help asylum seekers during their immigration process. Through the interviews there were three main areas that participants articulated as a visionary future in which they will would want to live. They suggested enhancing calls with video capabilities, remote work, and more accessibility to reach immigrants, and the need for a centralize system for asylum seekers to contact and check their status with legal defense NPOs.

Due to the limitation of the current voice-only system to conduct interviews, a common visionary future was the wider adoption of video calls among participants, a common visionary future. Participants find it easier to build rapport by both seeing their facial expressions and creating a face-to-face connection. One participant described the idea of video capabilities for immigration interviews:

> But I think personally what I would envision and what I would ideally would like, capabilities to do video conferencing calls or just say, you know, through like 3CX and detention centers, but I know has to be a two way street. You know what I mean? Right? Of having a human connection face-to-face.

Participants pointed out ICTs ability reduce costs and create accessibility even for remote teams. This was perceived as something positive that would NPOs to take more cases and speed up the processing of interviews. Legal defense NPOs are better prepared to help more immigrants more quickly, as one participant explained:

I don't think we will transition back in person because I do think we can get more done by working remote. The amount of cases we can take, the amount of people that can work at the same time, you know, commuting and all of that. So this might just be the new way of working.

These were unforeseen benefits of transitioning to a ICTs that allowed NPOs to be more effective with their resources. Also, this transition to ICTs brought lower costs to communicate with detainees by migrating to a digital voice system. Lowering phone services bills and saving detainees their free minutes, NPOs can redistribute their resources more strategically. As a one participant described "And if we take out all these other expenses that would be eliminated through technology, we could probably get more, more legal representation for more detainees".

Finally, participants explored distant futures, which in the long term will create a secure system for immigrant to connect with legal defense NPOs. Participants mention having a general phone number that will help start their process for legal defense.

A system in which they are able to protect us, and that contact will speed up the process for them in their immigration case. I think that this is best outcome, because that way we'll be able to reach out to the people that need it the most at the moment, they need it the most. And if they are able to just call a number and start their help for their legal defense, I think all will change pretty much the way they are doing the detention.

As part of this visionary future participants described that this system will need to establish a set of rules and training from the legal defense NPOs as well as the government agencies, to be able to secure protection for employees and volunteers, as well as immigrants.

Proper communication and training to the ICE officers. So I think that once a communication platform is established, also setting protocols and rules from ICE that they respect and we follow as well will create potentially even a safer environment for the immigrants to share with us, to communicate with us.

To counterattack the uncertainty of immigrants about what is next after completing an interview with a legal defense NPO, participants suggested including a service for detainees to be assigned a case number and to be able to check for the status of their file through this system.

> I mean, if there was a technology where individuals could track their file from within the detention center, that would be cool. Yeah, because I think there's this feeling of, you know, I just told someone my whole life story, and then what I have to tell them at the end of the interview is like, look, if the lawyers are able to take your case, you'll hear back within two weeks, and if you don't hear about it, it means they didn't. It doesn't mean you don't have a good case, but it just means that, you know, they don't have the capacity to be able to assist you.

This uncertainty of not knowing what happened to their case can be potentially alleviated, by informing individuals about their status or even if their case was denied. Another benefit discussed by one participant is to prevent different NPOs interview the same individuals, creating unnecessary discomfort from personal interviews to a vulnerable population. A group of participants were interested in exploring the future possibilities of having a system specifically designed and maintain to improve the process of immigrants at detention centers, opening possibilities for immigrants to contact legal defense NPOs and be able to apply for asylum.

Summary

After working as a volunteer for a legal defense NPO for one year and conducting PAR interviews with staff and volunteers about their interactions with ICT, key elements were identified guided by community insights. ICT practices at legal defense NPOs identified as positive for asylum seekers in this study included: constant communication throughout group chats to keep information flowing internally and externally; conducting virtual training to reach remote staff and volunteers simultaneously; sharing legal information almost instantly over cloud services to immigration lawyers; and removing phone call costs to immigrant detainees, by

implementing a direct line using a new digital phone system. Moreover, interviews explored bottlenecks when adopting ICTs; participants reported the need for improving the audio quality of their phone system due to the sensitive information reported by asylum seekers, in which details are critical for their legal defense. Participants talked about the need for more training about the use of ICTs at a legal defense NPO. A common suggestion was the need to improve the security and privacy of their communication channels and databases. Participants were critical about using WhatsApp as a communication channel for sharing sensitive information about detained immigrants.

Moreover, the need for protocols and rules about handling sensitive information for staff and volunteers was suggested. Finally, interviews created a free space for participants to explore visionary futures about ICTs at legal defense NGOs. Participants talked about the benefits of working remotely and their vision of not returning to the office due to their increased productivity. Also, participants talked about the importance of face-to-face interactions when conducting interviews to build rapport and create trust with vulnerable individuals who may not disclose their stories due to fear of not knowing how is behind a voice-only call. Finally, participants talked about the need for a web platform for NGOs and immigrants to communicate about the status of their legal case, and with this reduce the uncertainty for detained immigrants after their interviews, also to prevent duplicating interviews to the same individual from different NGOs, and even exploring the possibility of applying from asylum directly from the detention center.

Conclusion

Chapter 5

This thesis has attempted to understand how legal defense nonprofit organizations (NPO) are using Information and Communication Technologies (ICT) to provide legal defense for asylum seekers and improve the conditions of immigrants at detention centers. The purpose of this thesis was to explore the impact of ICTs on legal defense NPOs, bottlenecks, and security implications when supporting vulnerable communities. Information and Communication Technologies profoundly impacted the way we interact in a post-pandemic world, and it presents new challenges and possibilities for legal defense nonprofit organizations that are helping vulnerable communities. Reading the conversations in this project is essential for a broader understanding of how ICTs are reshaping our communities, organizations, and individuals. My main focus was to identify how ICTs can improve the conditions and outcomes of asylum seekers based on the experiences of staff and volunteers that worked with this community during COVID-19 on a day-to-day basis.

This study presents an alternative approach to identify challenges guided by the community, creating free spaces to reflect on the impact of these technologies, being critical about the challenges, and imagining visionary futures that staff and volunteers will want to live in. By conducting a qualitative study based on Participatory Action Research (PAR) methodology, I conducted interviews with action as a central topic to explore with participants. These interviews were transcribed, analyzed, and coded to identify emerging findings from participants about the importance of ICTs for legal defense NPOs and asylum seekers.

This research describes how critical ICTs at legal defense NPOs are at helping vulnerable communities get legal defense and advance in their asylum cases, as exploring the implications

of these technologies in slowing or threatening their ability to access legal help. Moreover, interviews explored the impact of the COVID-19 pandemic at legal defense NPOs and encouraged participants to imagine visionary futures based on their pandemic experiences adopting these technologies to reach their clients. Finally, as more asylum seekers are displaced from their home countries, it is imperative to understand better the impact of ICTs in helping these immigrant communities, guided by the experiences of staff and volunteers from legal defense NPOs that are the direct contact for asylum seekers.

The interviews included in this project illustrate how staff and volunteers perceive ICTs as vital to continue their uninterrupted work through the pandemic. For example, as a participant described, ICTs were vital for accessing their clients during lockdowns at detention centers. Moreover, ICTs were described as an improvement for training due to digital video platforms allowing NPOs to train multiple individuals at different locations at the same time. Additionally, ICTs were reported to improve internal and external communication due to the ICTs' capabilities of sharing information faster over group chats, cloud services, digital phone lines, and video conference platforms. Finally, these changes improve the flow of information between staff, volunteers, external support, and asylum seekers, increasing the number of cases legal defense NPOs can take.

As we adopt ICTs at legal defense NPOs to support asylum seekers, it is critical to keep security and confidentiality as the core of our project due to the sensitive information required for the legal defense of this vulnerable community. Staff and volunteers perceived current ICTs communication channels as inadequate for handling sensitive information of asylum seekers. As a participant described, "is a very vulnerable population that we should be aware of protecting their information specifically." Moreover, technical issues with digital phone lines need to be

solved to reduce the amount of time of conducting interviews and improve audio quality to record sensitive narratives from immigrants, avoiding repeating asking them questions that can cause them unnecessary discomfort. Finally, participants report a need for more training and guidelines about ICTs. Due to staff and volunteers' previous experiences conducting in-person interviews, their transition will create new technological issues and stress among participants. As a participant mentioned, "of course, you're going to be super stressful. It's like outside of your control and against your previous experience that's conducting them". Participants reported this after they adopted ICTs before any previous training.

Finally, as part of PAR methodology, this research created the condition for participants to explore visionary futures about the capabilities of ICTs used to help asylum seekers and communicate with staff and volunteers. This approach allowed participants to envision improved communication with the system to connect with immigrants through video conference to improve their rapport to record immigrants' stories in a more dignified face-to-face communication. Participants also explored the ability to create a shared system for NPOs to allow immigrants at detention centers to check on their status after they contacted an NPO for legal defense. This visionary future was expected to reduce the stress in immigrants not knowing the outcome of their interviews and helping NPOs duplicate interviews from the same individuals. These possible outcomes extended to imagine a system in which asylum seekers were able to apply to NPOs legal defense services directly from the detention centers. PAR Interviews allowed the community to guide the conversation based on their experiences and possible outcomes outside of our current technological limitations.

One point moving forward with this project is to create a set of guidelines for legal defense NPOs to learn about the best practices of using ICTs in legal settings. This set of

guideless will be based on the finding that emerged from our mutual reflections between researcher and participants. After learning about current issues with these technologies, it is part of PAR methodology to take action and share these insights with legal defense NPOs that may benefit from implementing these guidelines. This project describes in detail the reflection process of PAR to identify possible emancipatory actions and will continue after finishing this thesis by advocating for new ICTs guideless and helping legal defense NPOs adopt these best practices.

After COVID-19, our communities experienced profound changes to the way we work and communicate. Even with the unforeseen physical limitations of the pandemic, ICTs present appealing possibilities for NPOs to continue their humanitarian efforts, from working remotely, virtual training, constant communication, and access to immigrants at detention centers by digital phone systems. These study narratives are critical to ensure legal defense NPOs staff and volunteers can improve in their efforts to support asylum seekers and immigrants at detention centers, increasing the number of legal defense cases taken while protecting confidentiality.

Limitations

This thesis presents multiple limitations. First, due to the limitation of the COVID-19 pandemic, only digital communication was used to contact participants from different NPOs. While this study is valuable, the amount of data gathered from participants does not allow us to make generalized affirmations about how ICTs are used across different legal defense NPOs, due to their different roles and activities particular to their communities. To improve the outcome from this research, direct contact with more legal defense NPOs will be needed to learn about their interactions with ICTs while helping immigrants or other vulnerable communities.

ICT practices at legal defense NPOs identified as positive for asylum seekers in this study included: constant communication at group chats, to keep information flowing; conducting virtual trainings to reach remote staff and volunteers simultaneously; sharing legal information almost instantly over cloud services to immigration lawyers; and removing phone call costs to immigrant detainees, by implementing a direct line over new digital phone system. These practices are only part of the multiple factors that benefit asylum seeker outcomes and are only particular to a few organizations.

Implications

According to Hilsen (2006), we are obligated to ethically act upon the society we want to construct through the contributions of our research. Participation from legal defense NPOs about their interactions with ICTs during the pandemic is extremely valuable and constitutes an essential contribution to digital communication research and participant action research. This research presented an opportunity for legal advocates to bring up issues about their digital communications for common consideration. Their participation was accepted after assuring their narratives will help better understand and, ultimately, the improvement of legal defense organizations and employees' experiences within them. In summary, this study can give a new perspective on the increasing value of ICTs and the challenges of implementing them at legal defense NPOs helping asylum seekers at detention centers.

When learning about the worries, dissatisfactions, and vision of their future, if we do not take action, it involves ethical responsibilities that we need to reflect on (Hilsen, 2006). According to Hilsen (2006), we are obligated to ethically act upon the society we want to construct through the contributions of our research. For Nielsen and Lyhne (2016), researchers must serve as discussion partners with knowledge of the subject to bring to the dialog for reflection. Action potential depends on the insights of the researcher and participants to identify potential actions that can drive change.

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Informed Consent Form for Research Involving Human Subjects

University of Texas at El Paso (UTEP) Institutional Review Board
Informed Consent Form for Research Involving Human Subjects

Protocol Title: Examining the Effects of Information and Communication Technologies
in a Legal Representation NPO for Latin American Asylum Seekers
Principal Investigator: Victor M. Portillo
UTEP Communication Department

Introduction

You are being asked to take part voluntarily in the research project described below. You are encouraged to take your time in making your decision. It is important that you read the information that describes the study. Please ask the study researcher or the study staff to explain any words or information that you do not clearly understand.

Why is this study being done?

The purpose of this study is to examine the implementation of digital communication technologies to employees and volunteers at a legal defense nonprofit organization. This research will focus on examining how employees and volunteers bring up digital communicational challenges that may influence their conditions and future outcome of asylum seekers. This study will focus on how staff bring up challenges for common consideration and how between staff and researcher can buildup knowledge to improve their digital communications. In other words, is there is a relationship between the access to ICTs by legal deference NPOs and their ability to improve the condition and outcomes of asylum seekers.

Approximately, 10 study subjects, will be enrolling in this study.

You are being asked to be in the study because you are an employee or volunteer at a legal defense nonprofit organization.

If you decide to enroll in this study, your involvement will last between 30 minutes to 1 hour.

What is involved in the study?

If you agree to take part in this study, the research team will send you a link to connect to a Zoom call to record the interview. You can choose the date and time better fits your schedule. Audio and video will be recorded when the internet speed allows it

You will be part of an open-ended discussion between us two using the video conference platform Zoom. The interview will take between 30 minutes and 1 hour. With your permission, I will record audio and video from the interview solely for the purposes of accurately transcribing the conversation. If you wish to turn off your camera since the beginning of the interview or at any point you can do it. The file recordings, as well as the transcriptions will be stored securely on an encrypted drive.

Please note that your participation in this study involves remote and/or virtual research interactions with our research staff. You will be audio **AND/OR** video recorded by the web conferencing system **AND/OR** a device that is separate from the online conferencing system. Therefore, privacy and confidentiality are not guaranteed due to the nature of the research environment.

What are the risks and discomforts of the study?

The probability of anticipated risks or discomforts in the research protocol are not greater than those encountered in ordinary life. Participants will talk about their interaction with technology during their time volunteering. Due to the use of online conferencing systems, your privacy and

confidentiality is not guaranteed. Participants will use pseudonyms to protect your privacy and confidentiality. No participants will be identified in any publication or presentation of research results.

Are there benefits to taking part in this study?

Your participation is extremely valuable and constitutes a key contribution to digital communication research, and participant action research. This study presents an opportunity to you and your community of legal advocates to bring up issues about your digital communications for common consideration. Your participation will help for a better understanding, and, ultimately, the improvement of legal defense organizations and employee's experiences within them. In summary, this study can give a new perspective on the increasing value and challenges of digital communication at helping asylum seekers at detention centers.

What are my costs?

There are no direct costs.

Will I be paid to participate in this study?

You will be compensated for your participation in the form of an Amazon.com gift cards with a $25 value via email or phone number used to schedule the study interview.

What other options are there?

You have the option not to take part in this study. There will be no penalties involved if you choose not to take part in this study.

What if I want to withdraw, or am asked to withdraw from this study?

Taking part in this study is voluntary. You have the right to choose not to take part in this study. If you do not take part in the study, there will be no penalty or loss of benefit.

If you choose to take part, you have the right to skip any questions or stop at any time. However, we encourage you to talk to a member of the research group so that they know why you are leaving the study. If there are any new findings during the study that may affect whether you want to continue to take part, you will be told about them.

The researcher may decide to stop your participation without your permission, if he or she thinks that being in the study may cause you harm you.

Who do I call if I have questions or problems?

You may ask any questions you have now. If you have questions later, you please contact Victor Portillo at or by calling +1 (915) 270-6548. You may also contact Dr. Sarah Upton at smupton@utep.edu or at the Communication Department, Quinn Hall, 204 at UTEP.

If you have questions or concerns about your participation as a research subject, please contact the UTEP Institutional Review Board (IRB) at (915-747-6590) or irb.orsp@utep.edu.

What about confidentiality?

Privacy and confidentiality are not guaranteed due to the nature of the research environment. The following procedures will be followed to keep their personal information as confidential as possible. Information transcribed from the interviews will use pseudonyms. Direct quotes from the interviews will be use, however, your name will not be disclosed in any quote.

All records from the audio, video, and transcriptions from the interviews will be locally stored, password protected and encrypted in an external hard drive. Fragments from the interview will be transcribed to be use as direct quotes. All the data will be stored until Spring 2022 and destroyed upon completion of the project. Only the research team will have access to this data. All the data will

be destroyed upon completion of the project.

The results of this research study may be presented at meetings or in publications; however, your name will not be disclosed in those presentations.

Organizations that may inspect and/or copy your research records for quality assurance and data analysis include, but are not necessarily limited to:

- Office of Human Research Protections
- UTEP Institutional Review Board

Because of the need to release information to these parties, absolute confidentiality cannot be guaranteed.

Authorization Statement

I have read each page of this paper about the study. I know that being in this study is voluntary and I choose to be in this study. I will get a copy of this consent form now for me to keep. *Please feel free to print a copy for your records.*

☐ Yes, I agree to participate in this research project. I have read the following informed consent form and I understand what the research entails and understand that I will be audio and/or video recorded.

☐ No, I do not agree to participate in this research project.

Date: _____

Full Name: _____

Appendix B

In-Depth Interview Questions

Reflex about the setup of the interview (time, schedule, location) Explain the approach in your own words Start with a conversation of the interview theme Ask them, what do you understand the study is about? Explain what are ICTs Information and Communication Technologies Airtable database, 3CX Digital Lines, Whatsapp Groups, e-mail, etc.) 1) In your words, can you describe your work at your NPO? 2) In your words, can you describe how we communicate as a group? 3) Can you describe what Information and Communication Technologies we use at Las Americas.	Study and Participant Introduction
Critical about the theme - Talking about your perception about this connectivity or access to ICTs (Airtable database, 3CX Digital Lines, Whatsapp Groups, e-mail, etc.), **What Does it Mean to You to have access?** - Tell me about your most used ICTs? - Tell me about your first time using these ICTs and if you had any training or rules, who granted you access? - **How do you use your ICTs to communicate?** - Can you remember a situation when a program, app, phone lines, or any **did not work as expected?** - Do you save NPO information online? If yes, in what ICTs?	Perceptions of Current and Past ICTs

Utopian and visionary futures/ potential outcomes - What would make a difference to the way you work with these technologies? - How do you think these technologies could be improved? - How could you imagine a visionary future of your ICTs? - What do you think will be the impact of improving your ICTs?	Visionary Future ICTs Perceptions

Ask them for any referral participant.

Do a follow up to validate, confirm, disconfirm, supplement.

Put attention to initiatives that bring ideas to actions.

Create workshops or create coordination plan.

Appendix C

Codebook

Abbreviation	Code	Definition	Examples
	First-level [descriptive] codes		
Rol-Ocp	Role – participant occupation	Response to the questions about what their work at a legal representation NPO during COVID-19 was	*"I was a volunteer doing surveys to immigrants at detention centers."*
ICT-Comm	ICT to communicate during COVID-19	Answer to questions: How do you communicate with staff and volunteers	"*WhatsApp group was really good because let's say I had a question like during the interview I could text her real quick and someone would get back to me like whoever knew the answer*"
Impact	ICT Impact on immigrant population	Descriptions of how the participants find areas of opportunity for ICTs to help immigrants	*I believe, is vital, you know, if we didn't have those avenues and you know, then there would probably be no medium to get with our potential clients*
	Second-level [analytic] codes		
Sugg-ICT	Suggestions about Implementation of ICTs at legal defense NPOs	Suggestions about the implementation of new technologies	*3CRX isn't particularly user-friendly. Um, it also wage would give us it was kind of hard to understand the client's on the phone.*
Sugg-Bottlenecks	Issues with ICTs	When asked about situation when ICTs did not work as expected and impacted their work	*sometimes I like email communication. I didn't really follow through with appointments. A lot of my calls got cancelled or they never happened.*
Sugg-Security	Sec-An	Suggestions about Security and anonymity while helping vulnerable populations	*confidentiality, especially when you're working with human subjects, is very delicate. And I was surprised how easy it was, how transferable the information was*
Sugg-Vis-future	Visionary futures PAR	Statements of participants when asked to image visionary future in which these technologies helped their work	*I mean, it would be super cool instead of called we could zoom them or do something like that. Instead. It's just to build more Rapport and off, you know, be able to look at the facial expressions and give more detail.*

Curriculum Vita

Victor Portillo is a B.F.A graduate in Graphic Design, minor in Printmaking from the University of Texas at El Paso (UTEP) and a recent MA graduate in Communication. His professional experience includes marketing manager for a major telecommunication and security distributor for the US and Latin America. His areas of interest are digital culture, free speech, social media, digital communities, vulnerable populations, security, privacy, and science fiction. Additionally, he participated as a judge for Hackaton RESET Binational Innovation & Entrepreneurship 2017. He also served as a volunteer for a year at a legal representation nonprofit organization based in El Paso that offers low-cost to free legal defense to immigrants.

Finally, his skills include Project and team management, trade show management, proficiency in web development and content management systems, and bilingual in Spanish and English.