Legal identity as a barrier to digital connectivity for refugees

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Executive Summary

The benefits of mobile connectivity for refugees are being restricted by Subscriber Identity Module (SIM) registration requirements and Know Your Customer (KYC) policies that determine access based on a recognisable identity. These are formidable barriers to digital inclusion that prevent refugees from using technology to help rebuild and improve their lives. This resonates with a key theme raised at WSIS 2019, namely the need to ensure disadvantaged groups are not left behind. In this brief, we will focus on how to address the challenges posed by legal identity to the digital inclusion of refugees. Case studies from countries such as Jordan are analysed in order to explore how alternative arrangements can be put in place to allow these groups to benefit from the digital connectivity offered by internet-enabled mobile telephones. We argue that the difficulties that refugees face seeking legal recognition may make it more difficult for the United Nations Sustainable Development Goals (SDGs) to be achieved.

Digital connectivity for refugees

Digital connectivity, the term used to refer to the combination of mobile phones, the internet and social media, has been characterised as a 'game changer' for migration. It has the potential to create a 'powerful multiplier effect' for forcibly displaced persons, enabling them not only to communicate with family and friends, but also to access important information about healthcare and welfare services. It enables them to integrate more smoothly

into their host countries, as demonstrated by the mobile translation app Hello Hope used by Syrian refugees in Turkey. Internet-enabled mobile phones can also be used to access mobile money services, which enables humanitarian cash transfers between refugees and those living in developing countries . It is for these reasons that digital connectivity has been characterised as a 'literal lifeline' for forcibly displaced groups. Hence, internet enabled mobile phones have been identified as major contributors to the delivery of the 17 UN SDGs.

The challenge of connectivity: Subscriber Identity Module (SIM) registration and 'Know Your Customer' (KYC)

Crucially, all this depends on connectivity. Studies have shown that refugees are 50 percent less likely than the general population to own an internet enabled phone. The main obstacles to access include the cost of the handset, the affordability of the phone tariff and poor literacy skills. However, one barrier that has begun to receive more attention recently is the necessity to provide evidence of legal identity in order to avail of mobile services. Refugees may be unable to meet the SIM registration and

'Know Your Customer' (KYC) requirements of mobile phone retailers in many host countries.

Recent research found that the top ten refugee hosting countries have mandatory SIM registration policies in place, as well as KYC identity compliance requirements for operating mobile money accounts". Many insist on a Government approved form of ID and do not accept the UNHCR authorised forms of identification that are issued for refugees. This is in addition to asylum procedures in countries, such as Kenya, that are notoriously complex and may leave individuals waiting for as long as three years to be legally recognised as refugees. Forcibly displaced persons are often unable to provide proof of a legally recognised identity due to the loss of their identification documents, being forced to destroy them for safety reasons, or not being in a position to request them from their home country. Such stringent ID requirements have been described by the UNHCR (2017) as "a relatively under-explored, but nonetheless significant barrier to access among refugees and other displaced persons".

The most common approach to implementing SIM policies (in 85 percent

of countries which require such registration) is where governments capture and store personal data on each individual user. KYC compliance, which is needed to set up a Mobile Money account for a customer, is usually enforced in addition to these SIM requirements. National security concerns and efforts to combat organised crime are invariably cited as the justification for these identification checks. In 2016, mobile phone users in at least 147 countries were required to prove their legal identity in order to register and/or activate their prepaid SIM cards.

Considering 12 of the top 20 refugee hosting countries enforce mandatory SIM registration and use KYC in relation to mobile money services, this severely restricts the ability for refugees to benefit from the digital connectivity offered by mobile phones. SIM and KYC requirements not only deny them access to the handsets themselves, but also prevent them from opening mobile money wallets in their own name. This has the overall effect of further marginalising what are already very vulnerable communities and stops them from

rebuilding their lives more smoothly in their host countries.

What needs to be done to overcome legal barriers to adoption

A key theme at the WSIS 2019 Summit was that access to information and inclusivity should be a priority, particularly in relation to traditionally marginalised groups who are digitally disconnected, or at future risk of being so. The UNHCR Connectivity Goal is for "all refugees, and the communities that host them, to have access to available, affordable and usable mobile and internet connectivity" (UNHCR, 2017). The Global Broadband Plan for Refugee Inclusion aims to get refugees "connected through initiatives that address the legal barriers, such as the aforementioned identity requirements, that restrict refugees access to ICTs".

Whilst there is an abundance of research on the benefits of mobile connectivity for refugees (see the report on Technology, migration and the 2030 Agenda for Sustainable Development 2018) much more needs to be done to overcome the barriers related to legal identity. Border enforcement and the implementation of policies designed to curb immigration,

have made it much harder for refugees to settle in their host countries over the past decade. Therefore, if the UN SDGs and UNHCR Connectivity Goal are to be achieved, policymakers need to combat these increasingly hostile practices of governments in response to the global displacement of individuals.

International consensus needed on identity documents for refugees

Prospects for the digital inclusion of refugees would therefore be greatly enhanced by having more flexible identity requirements for purchasing internet-enabled mobile phones. Governments need to harmonise their policies for accessing SIMs and Mobile Money Accounts in accordance with the UNHCR identity requirements. Moreover, SIM and KYC should be more willing to accept the forms of ID that they receive from forcibly displaced persons, even when they are not accredited by the UNHCR. Issues proving legal identity can be attributed to the circumstances that led a refugee to flee their home country, and efforts should be made to ensure that this is not used against them.

There have already been some examples of states trying to accommodate refugees when it comes to these identity requirements. Most notably, in Jordan they have changed KYC requirements so that new customers who are refugees can set up a SIM and register a Money Account by providing their UN number *or* the number of their Ministry of Interior (MOI) service card (which is issued to refugees seeking asylum in Jordan). Despite a few teething problems, with [the growth of mobile money initially slow](), it has generally been viewed as a positive development that has facilitated the financial inclusion of refugees. Similarly, in Iraq, there is a more flexible risk-based approach to KYC. Through [a tiered KYC system](), refugees who are unable to present a valid passport can still open a mobile money account. All that is required is that they have been fully registered on the UNHCR's biometric database and possess a registration certificate, which should take less than three months to obtain. This has allowed humanitarian agencies to facilitate cash disbursement and provide food assistance to those most in need. The benefits of connectivity through a laxation on legal identity

requirements are clearly vast for the beneficiaries.

Conclusion

Digital connectivity via internet-enabled mobile phones is increasingly important for the inclusion of refugees within their host countries. It enables forcibly displaced persons to communicate with family and friends, send humanitarian aid to their home countries, and access vital information relating to healthcare and other public services. The evidence to date suggests that these groups are often unable to avail of these benefits of digital connectivity. Despite alternative forms of identification accredited by the UNCHR being available, the requirement of legal identity in relation to SIM/KYC policy clearly limits their access to these devices. Whether other countries follow the example of Jordan and provide alternative identity requirements remains to be seen.

The barrier of legal identity to digital connectivity for refugees raises further questions about the hostile environment that these groups face within their host countries. Whilst efforts to accommodate the needs of refugees, in terms of these identity requirements are clearly necessary, this arguably pales into comparison with the problems they face gaining a legally recognisable status in the first place. These are the inevitable consequences of the harsh asylum procedures for refugees that have been legislated for in many countries across the globe. The harmonisation of identity requirements, in line with UNHCR recommendations, may remove one legal barrier to digital connectivity for refugees, but much more work is needed to make these groups feel truly welcome in these countries.

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