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# **Secure Identification: The Weak Link In Immigration Control**

by David Simcox

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Immigration control rests on a precarious paper structure of certificates, affidavits and identification documents.

The public servants who distribute the complicated rewards and penalties of our immigration system must decide on the basis of documents with a dizzying diversity of origins and degree of reliability. These are the documents that attest to your identity and nationality, your occupation and education, and importantly—because our immigration system confers special rewards for kinship—your family ties.

This dependence on questionable documents presented by interested parties compares in administrative absurdity to what would be an effort by the Internal Revenue Service to collect income taxes without W-2s or other corroboration—trusting the individual taxpayer to state honestly his taxable income.

## **The Paradise of Document Forgers**

The United States can do little about the quality and reliability of foreign documents. But our nation manages the vital identification documents of its own residents with a remarkable complacency. In the words of the Reverend Theodore Hesburgh, onetime chairman of the Select Commission on Immigration and Refugee Policy, the United States is a “document forgers’ paradise.” Basic civil documents are issued by over seven thousand jurisdictions. The lack of uniformity, uneven quality, and relaxed rules of issuance of many of these documents guarantees widespread abuse.

Falsified or stolen vital statistics records become “breeder documents” for a chain of false documents that open the doors to highly-prized entitlements—legal resident status for illegal aliens, social security, food stamps, unemployment compensation, and guaranteed student loans. The birth certificate of most citizens is easily and, in some states, legally, obtainable by imposters, even though that document can become the first big step to unearned citizenship.

Immigration control is not the only national interest at risk

because of the nation’s insouciant approach to the security of individual identification. The 1976 Federal Advisory Commission on False Identification (FACFI) found that easy access to false identification aided broad patterns of crime and abuse, from drug smuggling and money laundering to fraudulent veterans claims and evasion of warrants.

Particularly troubling is the contamination by unreliable “breeder documents” of other identification systems that must depend on them. **Some four million social security numbers are now being used by more than one person.** With the legalization of three million illegal aliens under the 1986 amnesty, some state motor vehicle authorities have had to institute their own amnesties to reissue driver’s licenses to newly legalized aliens who originally got them with false names and social security numbers.

The 1986 amnesty itself bears witness to two decades of negligence in controlling illegal immigration. Nearly one fifth of the 1.8 million applicants for general amnesty originally entered the country not by sneaking across the border, but by using documents that were altered or obtained under false pretenses. Legalization itself has stimulated further widespread abuses of documents. Officials of the Immigration and Naturalization Services (INS) estimate that half or more of the 1.2 million applicants for legal residence under the Special Agricultural Workers (SAW) program presented fraudulent information about themselves or their work histories.

## **Enforcement Crippled by False Documents**

**The central enforcement feature of the 1986 immigration reforms — penalties against employers of illegal aliens — has what could be a fatal flaw: it depends on the soundness of existing identification documents for employers to determine the job seeker’s right to work in the United States.** Document fraud has become a major enforcement hindrance.

INS surveys of three hundred southern California businesses in early 1988 showed that virtually every one of them employed

illegal alien workers who got around the law by presenting counterfeit identification. Interviews of three hundred illegal alien workers in southern California in 1988 by immigration scholar Wayne Cornelius revealed that forty-one percent of them either purchased fraudulent documents or borrowed those of a friend or relative. Some unscrupulous employers aid prospective employees to get false documents. Even well intentioned employers are hard pressed to judge the validity of the confusing variety of ID documents they receive.

False documents are also undercutting the efforts of authorities to deny public assistance to illegal aliens under SAVE, a computer matching program to screen out the unentitled. Aliens able to present documents showing citizenship can bypass this check.

### **The National Hunger for Reliable Identification**

Despite our vulnerability to massive illegal immigration and citizenship fraud, the widespread perception of the threat to individual privacy from a national ID card blocks serious remedies. FACFI itself refused to endorse the concept of a national ID card. And Congress, in enacting the 1986 immigration reforms, explicitly disavowed any intent to authorize one.

Even as we hesitate about an effective national identification system, federal agencies, state governments and private companies have created far-reaching specialized identification systems linked to vast banks of data about millions of citizens. A complex society's insistence that we share more and more information about ourselves — and our vulnerability to misuse of this data — has heightened our need for reliable identification. The driver's license, though issued by the states with relatively few security precautions, has become a *de facto* national ID document — so much in demand that the states issue "non-drivers" cards to residents needing proof of their identity.

**Rather than protect our privacy, our present decentralized system jeopardizes the right of citizens to protection of the privacy and security of their own identities.** Each of us runs the risk of having such uniquely personal documents as his birth certificate, academic credentials, social security number, and even death certificate appropriated by others.

### **Screening Out the Ineligible: Telephone Verification and Improved Social Security Cards**

In passing the 1986 reforms, Congress called for evaluations of the soundness of existing identification documents with recommendations for improvements. Following Congress's orders, INS in 1987 studied the feasibility of a system for confirming work eligibility by telephone; the General Accounting Office (GAO) evaluated the security of the social security card; and the Social Security Administration (SSA) in 1987 and 1988 tested a call-in system for validating the 210 million social security numbers now in use.

INS found telephone verification feasible and now plans a pilot project permitting employers to use touchtone phones or "point of sale" devices to check the alien registration numbers of foreign job applicants against a data base held by INS. The INS master index will ultimately be expanded to include additional identifiers on each alien, such as social security numbers and even digital fingerprint codes. (State governments will tap the same master index to verify the legal status of alien applicants for public assistance).

In its study of the social security card, the GAO concluded that the present requirement that the nation's 7 million employers judge the validity of literally hundreds of different acceptable

documents cannot be made fraud-proof. GAO proposed that the social security card become the sole document for confirming work eligibility. Warning that the current social security card, with sixteen versions in use, is easily counterfeited, GAO recommended technical changes to make it secure. But GAO's study stressed the underlying dilemma in devising better identification — technical security features are of no avail if the breeder documents remain unreliable.

SSA field office employees review millions of applications for cards each year. They must determine whether each applicant is who he says he is and whether the birth certificate and other documents he submits are genuine. Social security employees are able to verify less than one percent of the documents they look at. Fifty percent of a sample of social security employees interviewed by GAO believed that fraudulent documents were getting through.

SSA concluded from its 1987-1988 study that a card validation system was technically feasible, though its high costs and the inherent shortcomings of the card as a reliable identifier would reduce its utility. SSA recommended as an alternative that all state drivers' licenses carry the bearer's social security number validated by SSA (29 states now require the number). SSA has opposed making its card a national identifier, chiefly because of the high cost of producing and issuing new cards. While it is technically possible to add security features to the card such as unique personal characteristics and biometric indicators (e.g. photos, and digitized fingerprints or signatures), civil libertarians and their allies in Congress would see much moves as steps toward a national ID card.

Meanwhile, SSA is tightening its anti-fraud training and procedures. INS now prepares and submits directly to SSA applicants for cards for newly legalized aliens. Registrars of vital statistics in nearly half the states now obtain cards for infants at birth.

### **Machine Readable Travel Documents**

Skyrocketing numbers of international travelers and growing concern for security have quickened movement toward more secure, machine-readable travel documents and identification cards. **In 1987, customs and immigration officials had to inspect a staggering one-third of a billion persons entering the U.S.** Machine-readable passports, visas and border crossing cards are more difficult to counterfeit or alter, allow faster but more thorough inspection of each traveler, and permit instantaneous capture of data from each document. Abuse of visas and border crossing cards has accounted for nearly 20 percent of all illegal immigration. Until now, INS ability to check alien visitors in and out of the United States and track overstayers has been limited.

The latest version of INS' "green card," Form I-551 in official parlance, is partly machine-readable. However, various versions of the alien registration card issued before 1979 and still in circulation are easily counterfeited or altered. INS is moving toward a machine-readable card for all permanent resident aliens and a single tamper-proof card for all temporary residents with work authorization.

### **Safeguarding America's Civil Documents**

In 1979 FACFI recommended a range of federal and state actions to protect the integrity of the birth certificate. FACFI urged uniformity of format and other characteristics, centralization of issuing authority in each state, tighter controls over cer-

tificate forms, tougher penalties for fraud, recordkeeping of requests for certificates, and more training to sensitize vital statistics personnel to fraud. Concerned over the frequency of fraudulent use of birth certificates of deceased Americans, particularly infants, FACFI called for the matching of birth and death certificates.

State legislatures have considered many of these proposals since the 1970s, but change has been slow. **The United States, long in the vanguard of sophisticated information technology, approaches the 21st Century with vital statistics recordkeeping not far removed from the era of the quill pen.**

Twelve of the fifty states — including California, with nearly half of the country's illegal alien population — persist in treating individual birth, marriage and death documents as public records. Three states continue to maintain all original records at the local level. While some twenty states at one time centralized all recording and issuance, heavy pressures from local interests in recent years have reversed this trend.

One area of progress is in the matching of births and infant deaths, now a widespread practice. Some states now match all in-state birth and adult death certificates. But concern over costs and the sheer magnitude of the task has seriously slowed movement toward a comprehensive nationwide procedure for matching births and deaths.

These basic gaps in the security of our national identification network can only be bridged not by advancing technology, but by political will. Technological advances are making feasible the low-cost issuance of tamperproof identification documents for citizens and legal residents such as passports and alien registration and social security cards. But those documents ultimately are only as reliable as the civil records from which they are derived. The birth record of a deceased American obtainable for a fee of five dollars or less, or purchased from a forger for a few hundred dollars, can open the door to the highly coveted entitlements and enhanced earnings that accompany American residence, which are worth hundreds of thousands of dollars over a lifetime.

### **What Can Be Done Within Present Political Limits**

Eventually Congress and the nation must come to terms with the political issues blocking creation of a secure national identification system. Our complex, information-intensive society will demand it for a host of reasons that go beyond effective immigration control. Reasoned national debate will show that such a system can help protect our liberties rather than diminish them, and that the experience of Western European democracies demonstrates that free societies can enjoy the security of sound national identification systems with full safeguards against government abuse.

But much can be done now to increase our protection short of creating a national identity card and central population register. The following actions would offer the best chances for positive results in the short term:

- Stronger federal leadership in encouraging states to adopt **tighter controls on vital statistics documents**, with greater federal support for a national system of matching birth and death records.
- Conversion to a **tamperproof social security card bearing unique personal identifying data** and biometric indicators. To deal with the added expense and workload, the improved card could be phased in with free issuance to all first-time registrants and issuance at cost and on request to existing card

holders. Its value as a quality identification document would ensure a heavy demand.

- Alternatively, if resistance to a secure social security card is too great, evolution of the drivers' licensing systems of the fifty states into a decentralized but standardized national identification system, using digitized fingerprints, photos and validated social security numbers could be started.
- Higher priority for creation of a system of **telephone verification** of work eligibility and expansion of the INS master index of alien registration data to include social security numbers, digitized fingerprints and other identifiers.
- Early distribution of single **tamperproof alien registration cards** for legal permanent residents and a single counterfeit-proof card for all temporary residents authorized to work, thus easing the dilemmas of employers in hiring decisions.
- Resumption of the requirement ended in 1981 that all aliens in the U.S. report their presence yearly to the INS. Besides providing valuable demographic data, **an annual inscription of the alien population** would help fill gaps in the INS master index and would permit the agency to screen out fraudulent, outdated or erroneous immigration documents.

### **Notes**

Materials for this article were taken from:

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## NPG COMMENTS

Since NPG was founded 17 years ago, our focus has always been both national and international. It is international because the size of world population is a fundamental determinant of the already far-too-great impact of human activity on world environment and resources.

Although our U.S. population is only five percent of the world total, we use a disproportionate share of the world's resources, and contribute a disproportionate share of the industrial pollutants discharged into the world environment each year.

It follows that, in order to promote the common good of the world community, the United States should take all necessary measures to reduce its impact on the world's resources and environment. We need, of course, to continue and expand our efforts to use energy and resources more efficiently and to reduce pollution per unit of production. But above all we need to reduce the size of our population to a sustainable level.

A reduction in United States population to a sustainable level would clearly be in the interest of the world community of nations. At the same time, it would be in our own national interest, and that of future generations of Americans. While, as good world citizens we have an obligation to others, we and our government are responsible in the first instance to our own people, and to the preservation of the land that we inherited.

If our present below replacement rate fertility is maintained, our U.S. population would eventually stop growing and begin a slow and gradual decline — were it not for immigration.

It will be virtually impossible to achieve the needed reduction in our U.S. population size if we continue to allow immigration into this country on a massive scale. That is why we feel that the central goal of our national immigration policy should be zero net migration, which simply means that immigration (in-migration) should be balanced with emigration (out-migration) so that net migration no longer contributes to our population growth.

To achieve that goal we would need to halt illegal immigration completely, and reduce legal immigration to an overall ceiling of 150,000 a year, including all relatives

and refugees. In contrast, legal immigration has recently averaged about 600,000 a year, and is thus a major factor contributing to the rapid growth of our U.S. population.

Turning now to the specific issue which is the subject of this NPG Forum article, it is clear that we can never hope to control immigration effectively without a national system of secure identification. Our present chaotic system, which positively invites fraud to flourish, makes a mockery of our attempts to control illegal immigration.

The causes of liberty and justice are not served by an antiquated system that actually rewards those who break the law by counterfeiting or altering official documents, or by obtaining them under false pretenses.

The United States is probably the only country in the world where a substantial body of opinion challenges the right of the government to have the means to identify people within its borders. Yet, without such means, our immigration laws can never be enforced fairly and effectively.

Some may question whether a truly effective national system of secure identification is really necessary. It is not only necessary but needed with increasing urgency, because the number of attempted illegal entries into this country will undoubtedly grow as population pressures in third world countries continue to mount.

The third world countries have a severe population problem, which is the root cause of their economic and environmental problems. The population of this group of countries is growing by about 80 million each year, and we could not possibly allow more than a tiny fraction of that number to immigrate here.

The most humane course that we could follow would be to concentrate our efforts on helping to improve living standards in those countries by assisting them (to the extent they will allow us to do so) to put into effect national programs of real population control aimed at halting and then reversing their population growth. Such programs should be focused on family limitation (not more than one child, or two children at most), not just on family planning.

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