

TIME

Ready for Your Biometric Social Security Card?

By Katy Steinmetz

March 29, 2010

Could a national identity card help resolve the heated immigration-reform divide?

Two Senators, New York Democrat Chuck Schumer and South Carolina Republican Lindsey Graham, certainly seem to think so. They recently presented an immigration-bill blueprint to President Barack Obama that includes a proposal to issue a biometric ID card — one that would contain physical data such as fingerprints or retinal scans — to all working Americans. The "enhanced Social Security card" is being touted as a way to curb illegal immigration by giving employers the power to quickly and accurately determine who is eligible to work. "If you say [illegal immigrants] can't get a job when they come here, you'll stop it," Schumer told the Wall Street Journal. Proponents also hope legal hiring will be easier for employers if there's a single go-to document instead of the 26 that new employees can currently use to show they're authorized to work.

But with a congressional skirmish over comprehensive immigration reform on the horizon, skeptics from the left and the right have raised numerous concerns about the biometric ID — some of which pop up every time a form of national identification is proposed, and some that hinge on the shape this plan ultimately takes. (See 25 gotta-have travel gadgets.)

The sheer scale of the project is a potential problem, in terms of time, money and technology. The premise of using a biometric employment card (which would most likely contain fingerprint data) to stop illegal immigrants from working requires that all 150 million-plus American workers, not just immigrants, have one. Michael Cherry, president of identification-technology company Cherry Biometrics, says the accuracy of such large-scale biometric measuring hasn't been proved. "What study have we done?" he says. "We just have a few assumptions."

Schumer estimates that employers would have to pay up to \$800 for card-reading machines, and many point out that compliance could prove burdensome for many small-to-medium-size businesses. In a similar program run by the Department of Homeland Security, in which 1.4 million transportation workers have been issued biometric credentials, applicants each pay \$132.50 to help cover the costs of the initiative, which so far run in the hundreds of millions. "This is sort of like the worst combination of the DMV and the TSA," says Chris Calabrese, legislative counsel for the ACLU, an organization that has traditionally opposed all forms of national ID. "It's going to be enormously costly no matter what." (See photos of the High Seas Border Patrol in action.)

Lynden Melmed, former chief counsel for U.S. Citizenship and Immigration Services, says the pace of expanding the program is crucial. He believes that issuing the cards on a rolling basis and viewing them as "the next version of the driver's license" makes the idea of a nationally issued biometric ID seem much less daunting. "I think that there is a risk in overreaching too quickly," he says.

Another potential issue is whether the card will result in people being wrongfully denied work. The average person isn't equipped to determine whether two fingerprints are a match — even FBI fingerprint experts have their off days, as when they incorrectly implicated a Portland, Ore., attorney in the 2004 bombings in Madrid — which means employers would be relying on an automated system. And that, as well as the fingerprinting process itself, invariably leads to some small number of mistakes. (See how border-patrol officials are securing the perimeter.)

In testimony given at a Senate immigration hearing in July 2009, Illinois Representative Luis V. Gutierrez, who has led the drive for immigration reform in the House, pointed out that an error rate of just 1% would mean that more than 1.5 million people — roughly the population of Philadelphia — would be wrongly deemed ineligible for work. "This is no small number," he said, "especially in this economy, where so many workers already face extraordinary obstacles to finding a job." Dean Pradeep Khosla, founding director of Carnegie Mellon's cybersecurity lab, estimates that the error rates of computerized systems would likely be less than 2% (and could be less than 1%) but says they can never be zero. Civil-liberties advocates, citing the secret post-9/11 no-fly lists that innocents couldn't get their names removed from, worry about whether those mistakenly put on the no-job list will ever be given the chance to correct the information.

Many skeptics also worry about false positives that come not from the computer but from counterfeits or employers looking to bypass the system. "It's naive to think that this document won't be faked," Calabrese says. "Folks are already paying \$10,000 to sneak into the country. What's a couple thousand more?" In a recent Washington Post op-ed, Schumer and Graham said the card would be "fraud-proof" and that employers would face "stiff fines" and possibly imprisonment if they tried to get around using it. But Cherry half-jokes that someone could falsify such an ID in 15 minutes, and Khosla says that while current technology makes fingerprints the most feasible biometric marker to use, they're also one of the easiest to steal.

Lillie Coney, associate director of the Electronic Privacy Information Center, believes that keeping biometric information out of a centralized database is "the biggest challenge." Otherwise, she says, the prospect of having millions of fingerprints on hand would be too tempting for the government not to abuse. In their op-ed, the Senators said the information would be stored only on the card.

Although the card is being presented as existing solely for determining employment eligibility, "it will be almost impossible to say that this wealth of information is there, but you can only use it for this purpose," Coney says. "Privacy is pretty much hinged on the notion that if you collect data for one purpose, you can't use it for another." Calabrese expresses worries that this ID will become a "central identity document" that one will need in order to travel, vote or perhaps own a gun, which Melmed calls "mission creep."

Some dismiss privacy concerns as reflections of general government mistrust rather than legitimate technology issues. But Melmed believes that the practical issues will have to be addressed before the "social-acceptance debate" over biometric cards can even begin, and both rely on many details that the Senators have yet to present. "People are waiting to see something in writing," Calabrese says. "But the idea doesn't fill people with a warm, fuzzy feeling."