

ISSUE OF THE WEEK

## Biometric ID Card Idea Stirs Logistical, Privacy Concerns

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by *Chris Strohm*

Requiring all U.S. employers to verify the identity and immigration status of their workers using biometrics -- such as fingerprints or iris scans -- is technically feasible but raises many logistical challenges and privacy concerns, according to industry officials, immigration experts and civil liberties advocates.

Senate Judiciary Immigration Subcommittee Chairman **Charles Schumer**, D-N.Y., is weighing such a requirement as he drafts a comprehensive immigration bill, which would include giving millions of undocumented workers a path to obtain the legal status to remain in the country.

"Only by creating a biometric-based federal employment verification system will both employers and employees have the peace of mind that all employment relationships are both lawful and proper," Schumer said recently as he spelled out how he wants to change immigration laws.

"This system will be our most important asset in dramatically reducing the number of illegal aliens that are able to live and work in the United States," he added.

Schumer has not yet outlined specific details on how the system would operate, such as whether workers would be required to carry a card containing their biometric data.

Instead, he plans to hold a hearing later this month to evaluate different biometric verification ideas, with a goal of introducing comprehensive legislation by Labor Day.

For now, Schumer's announcement has raised more questions than answers, such as what exactly employers and workers would be required to do, how the plan would be paid for and whether the public would support what some critics consider a national identification system.

### The Art Of The Possible

Schumer's announcement is being taken seriously, mainly because the U.S. government and businesses already use biometric systems.

"Is it technically feasible? I think the answer is absolutely yes, from the standpoint of the technology," said Walter Hamilton, president and chairman of the International Biometric Industry Association, which represents developers, manufacturers and integrators of biometric systems.

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The U.S. government, for example, already fingerprints foreigners who come into the country under the U.S.-VISIT program, and has required about 4.5 million federal workers and 1.2 million contractors to have personal identity verification cards that contain a machine-readable "smart chip" and fingerprint data, Hamilton said.

Schumer's plan was given additional weight last week by a report issued by a Council on Foreign Relations immigration task force, which recommended the creation of "a workable and reliable biometric electronic verification system."

"The government must support the development of an electronic verification system that reads biometrics, not just Social Security numbers," said the task force, which was chaired by former Florida Republican Gov. Jeb Bush and Thomas (Mack) McLarty, who served as President Bill Clinton's chief of staff.

"The US-VISIT system has virtually eliminated identity fraud in U.S. visas. American employers should be able to identify a temporary or provisional worker visa holder through a similar system," the group said.

If a national employment verification system is implemented, it would be unprecedented in the world and represent a tremendous boon for the biometrics industry, which has been steady growing in size and value.

"There will be billions made by the guys out there already and there will be companies I guarantee you that will sprout up just to take advantage of it," said one industry lobbyist. "From a business development standpoint, this would be a huge opportunity."

### **A Heavy Lift**

While technically feasible, implementing such a system would be rife with logistical challenges, such as the cost and what kind of requirements would be placed on employers.

"The cost would be unbelievable. I guarantee you it would all be federal government," said the lobbyist. "There should be a lot of eyeballs on it because it's going to be huge."

The lobbyist observed that Homeland Security Secretary Napolitano, who is heading the Obama administration's immigration task force, is a former governor of Arizona and would probably oppose placing unfunded mandates on state or local governments.

"It's a question of the scale of hundreds of millions of people and tens of millions of workplaces. It's daunting," added a former government official who is now a lobbyist.

This lobbyist cited widespread opposition to the Real ID law, which requires states to issue their residents new, secure drivers' licenses that meet certain federal standards. While Real ID does not include a biometric component, it has been opposed due to privacy concerns and the burden placed on states to pay for much of the cost.

"I think that seeing the political difficulties of Real ID makes a national biometric employment system an extremely heavy lift," the lobbyist said.

There are also many questions about how workers would be enrolled into the new system, industry officials said. For example, the federal government would likely have to create centers around the country where workers could go to submit their biometric information and be issued an identification card.

The business community does not oppose creating such a system, but believes the federal government must pay for it, said Angelo Amador, executive director of immigration policy at the U.S. Chamber of Commerce.

Businesses would also want assurances from the federal government that they would not be held liable if a worker was wrongly fired due to errors in the system, Amador added.

### **Privacy Concerns**

Beyond the logistical issues, creating an employment verification system also raises many privacy and

civil liberties concerns, especially if workers are required to have the equivalent of a national identification card.

"Sen. Schumer seems to be one of few American politicians that unabashedly wants to create a national ID card for the United States," said Jim Harper, director of information policy studies at the Cato Institute. "He's mistaken about the utility of a national ID for immigration control, and he seems oblivious to the dangers that national ID systems have historically presented -- especially to minority groups."

Advocates of a comprehensive immigration bill said in a conference call Friday that they do not oppose measures to ensure that workers are who they say they are. But they want to ensure that workers are not harmed in the process.

For now, though, they need more information about how an employment verification system would work. "I would say that's an issue that probably has got the most study and thinking that still has to happen," said Angela Kelley, vice president for immigration policy and advocacy at the Center for American Progress.

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