

US prepares “Big Brother” system to monitor immigrants

Lawrence Porter
10 December 2003

On December 1, the Bush administration announced its suspension of the National Security Entry-Exit Registration System (NSEERS) that had required tens of thousands of male immigrants, primarily from the Middle East and South Asia, to register with the Immigration and Naturalization Service (INS) or face arrest and possible deportation.

In its place, the US government has created a far broader and more draconian registration system that will be able to track virtually every foreign national who enters the US—an estimated 45 million people a year. It will utilize a massive computer database that incorporates biometric identifier technology with machine-readable bar codes in passports.

When the government announced the termination of the controversial NSEERS program, several Arab and Muslim organizations hailed the change as a positive step. Some expressed the hope that the government had bowed to widespread criticism of the blatantly discriminatory program.

The INS, under the direction of the Department of Homeland Security (DHS) and as part of the Bush administration’s “war on terrorism” campaign, instituted the NSEERS program in June 2002. It required that all male immigrants over the age of 16, from 25 mostly Islamic and Arab countries (North Korea was on the list), report to INS offices and submit to interrogations, fingerprinting and mug shots. Nearly 84,000 people complied with the government’s confusing deadlines.

When NSEERS was instituted in the summer of 2002, it was met with widespread opposition. In Los Angeles, hundreds of people were arrested when they reported, spurring a spontaneous demonstration outside INS offices. In the Detroit area, where the majority of the interviews took place because of the city’s large Arab and Muslim population, hundreds attended protest meetings.

Critics of NSEERS have pointed out that not a single person has been charged with a terrorist-related crime under the program. However, the DHS claims the NSEERS program was a success because nearly 14,000 men now face deportation, almost all for overstaying their visas.

Despite the suspension of NSEERS, the government has determined that anyone who violated the program’s deadlines can still face penalties, including possible criminal investigation, detention or deportation.

Far from civil liberty concerns motivating the program’s termination, Asa Hutchinson, the Department of Homeland Security’s undersecretary for borders and transportation, made it

clear that the real reason was financial. It “didn’t yield sufficient leads” to require further funding, he said. Rather than targeting “whole categories” of people, Hutchinson said the government would now focus more on individuals.

On its web site, the DHS states that the NSEERS program was a “pilot project focusing on a smaller segment of the nonimmigrant alien population deemed to be of risk to national security.” [<http://www.dhs.gov/dhspublic/display?theme=43&content=736>] The US-VISIT program, on the other hand, is seen as a way to monitor every visitor to the US, utilizing the methods and lessons learned from of NSEERS.

“When the US-VISIT system is fully implemented,” the statement continues, it will provide the information necessary to account for nearly *all* [emphasis added] temporary foreign visitors in the United States. Any remaining elements of NSEERS such as port of entry arrival registration, will become part of the US-VISIT system.”

The US-VISIT program, to begin on January 5, 2004, has received a \$380 million appropriation this year to develop a computer file on every foreign national who enters the US. A major element of the program will be the use of biometric identifier technology.

Biometric identifiers use digital cameras or scanners to take an image of biological characteristics such as fingerprints, iris patterns or facial structure (the distance between the eyes, the length of the nose, or the angle of the jaw) to create a template. The template is then used to compare an individual’s image with a database of images of people sought by the authorities. The DHS web site says the US-VISIT program will require two fingerprints scanned by an inkless device and a digital photograph that will be taken upon arrival at an airport, seaport or border.

All visitors with a visa will also be required to register when they depart. The DHS web site states the US-VISIT program will set up self-service workstations in the departure areas of airports and seaports that will require the scanning of passports and fingerprinting to validate departures. Failure to register at departure could result in being barred from re-entering the US.

The DHS web site suggests that the government may not yet have the means to utilize the technology. It states that the National Institute of Standards and Technology is continuing a study on the use of the technology with passports. In the meantime, the agency has decided that, as a minimum, all immigrants from countries without a visa-waiver program must submit to being fingerprinted

and photographed with a digital camera before being allowed entry to the US.

The American Civil Liberties Union (ACLU) has opposed the government's use of the technology, charging that it is faulty and has led to the misidentification of innocent people in the past.

Biometrics is a relatively new technology that was tested by various police departments before the September 11, 2001, terrorist attacks with failing results. Since then, the federal government renewed its interest in the technology and instructed several companies to work out its defects for the purpose of developing a massive database on the movement of foreign nationals who enter and leave the US. The precise aim of the Department of Homeland Security, as stated on its web site, is to use the information "against databases to determine whether the individual should be detained or questioned concerning possible terrorist or criminal involvement."

According to a national ACLU report titled *Drawing a Blank*, issued on January 3, 2002, [<http://www.aclu.org/Privacy/Privacy.cfm?ID=13552&c=130>] the Tampa, Fla., Police Department introduced the technology with disastrous results and was forced to discontinue its use within less than two months.

During the summer of 2001, unbeknownst to the public, the Tampa Police Department installed in public places several dozen cameras that utilized a face recognition technology called Face-IT, manufactured by the Visionics Corporation of New Jersey. According to the ACLU report, the system "never identified a single face in its database of suspects," and on several occasions the system made false positives, such as mistaking males as females.

An additional sinister danger, not examined in the report, is the potential use of the technology to monitor political opponents of the government. Public events such as demonstrations will obviously become the target of this technology, which is capable of checking images from long distances. The ACLU report states that it is already in use in several US airports, including in Boston, San Francisco and Palm Beach, Fla. [<http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=14520&c=272>]

Noel Saleh, a well-known immigration lawyer and staff member of the Michigan ACLU, spoke to the WWS about the new program. He emphasized that the US-VISIT program, including the use of facial technology and fingerprinting, represents an expansion of the attacks on democratic rights by the Bush administration.

"NSEERS has not totally been ended," he said. "Parts of it have been suspended. So, for example, if you failed to register under the old NSEERS program, you still face prosecution even though the registration has been suspended. Or, if you were one of the ones required to register within one year and you missed that one-year deadline, you are still subject to having violated your status because you haven't re-registered."

"It is one more instance where the government has been allowed to do racial profiling in the name of anti-terrorism. And it has been made more acceptable in the society as a whole," said Saleh.

The attorney added that, even though the registration has ended, the government would still selectively require people to come in and report. "The only thing that ended is the annual re-registration if you are going to stay here for a year." Saleh continued, "That ended, I don't think for any great respect by the DHS for the profiling aspect. I think it ended just for economic reasons. They interviewed 100,000 people and they didn't find anybody who had done anything related to terrorism. They realized the expense involved in terms of re-registration was not worth it. They just didn't have the resources to do it. And if they did they were going to be diverting their resources from other jobs that equally are required under the Homeland Security Act."

Saleh added, "In terms of the Arab community, if there was any question that they were being profiled, this reinforces it and makes it very clear that yes, you are. And there is this inherent suspicion of Arabs and Muslims as a result that says it is necessary for you to go through with this registration."

Emily Whitfield, deputy media relations director of the national ACLU, told the WWS: "We have concerns that the discrimination is going to continue under the modified NSEERS program and will continue under the US-VISIT program because the government has shown a propensity to use immutable characteristic like race and ethnicity as a basis for suspicion.

"We also have a lot of concerns about the use of the facial recognition technology. It is faulty." In addition, continued Whitfield, "The government still reserves the right to look at a case-by-case basis, and we all know what that means."

The *Washington Times* reported December 3 that Washington—recognizing that the technology is not yet ready for mass use—has backed down from its demand that members of the 55-nation Organization for Security and Cooperation in Europe (OSCE) introduce biometric passports by December 2005. Instead, these countries have agreed to introduce passports that can be read by machines by that date.

Countries that are part of the 27-nation Visa Waiver Program [<http://travel.state.gov/vwp.html#2>] will be required to have machine-readable passports to be allowed into the US beginning on October 26, 2004.

In a separate but related immigration matter, the Department of Homeland Security began a program requiring colleges to register foreign students into a national database. The Student and Exchange Visitor Information System (SEVIS) was established after September 11 to track all foreign students enrolled in the US. Foreign students are required to provide detailed information, including their courses, into the database. More than 1 million names from nearly 6,000 academic institutions have been entered into the system, which is controlled by the DHS.



To contact the WWS and the
Socialist Equality Party visit:

wws.org/contact