**The discriminatory history of biometrics and immigration in America**

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A covert system of technological control underpins the U.S. government’s efforts to regulate immigration. The root of this insidious technology? Our own biology.

Welcome to the world of biometrics: the process of collecting biological data taken from the physiological features unique to each individual: such as fingerprints, photographs, iris and facial scans, DNA samples, etc. These digital representations are stored in databases and then retrieved for verification and identification purposes.

On September 11th, 2020 the Department of Homeland Security published a [Notice of Proposed Rule Making in the Federal Register](https://www.federalregister.gov/documents/2020/09/11/2020-19145/collection-and-use-of-biometrics-by-us-citizenship-and-immigration-services) to expand and intensify biometrics surveillance and collection of all immigrants. [This would have devastating implications for millions of immigrants in the U.S](https://www.nextgov.com/emerging-tech/2020/10/more-5000-commenters-weigh-dhss-proposal-collect-more-biometrics-immigrants/169301/)., creating an invasive database with the largest assemblage of biometrics and personal biographical information of both citizens and foreigners. Although this proposed rule claims to only target possible perpetrators, in reality it impinges on innocent lives, as it intends to remove all restrictions and regulations pertaining to biometrics collection, a violation of basic rights that turns everyone into a potential criminal--and reaches far beyond the objectives of DHS.

Despite the seemingly novel danger that this technology presents, biometrics is not new. In fact, the problematic origins of biometrics must be acknowledged to understand how and why the government currently wields biometric technologies for immigration control.

Biometrics was first employed in the U.S. in the late nineteenth century as a result of the Chinese Exclusion Acts. The first of these acts was passed federally in 1882 in response to the demanding dissents of white laborers who accused Chinese immigrants of stealing the work and welfare of American citizens. The ensuing suspension of Chinese immigration was a significant departure from traditionally benign federal immigration policies--particularly the attempt to federally restrict certain racial and national groups, separating the ‘desirable’ immigrants from the ‘undesirable’ ones--which ushered in a new era of immigration legislation and attitudes in America.

With new laws in place to restrict immigration, the U.S. needed a reliable way to identify and track immigrants who were legally allowed to enter the country. Consequently, Chinese immigrants were required to obtain certificates of identification--the first issuance of passport-like documents in America. The photographs in the certificates served as the biometric data, supplied in part because many immigration officials and U.S. citizens alike complained that Chinese immigrants were too ethnically and physically homogenous to be distinguishable from one another without such documents.

Since this early version of biometrics did not always provide adequate identification, much was left to the discretion of immigration officers who played an inordinately significant role in the assessment of Chinese bodies. They would evaluate photographs of applicants and their families, often determining credibility based on pseudo-scientific assessments, or basing their eligibility judgments on Chinese cultural and class stereotypes.

In the late nineteenth and early twentieth century the transparent objective of biometrics was to follow and control minority groups, and while it may now appeal to democratic legislatures in order to follow and control everyone in the name of security, the technology still has specific aims and uses for ethnic minorities and immigrants. Nevertheless, the growing universality and pretense of scientific/technological objectivity obscures the discrimination and false ideas of race that biometrics still advances. Theoretically the nature of the current technology *should* reduce the problems of subjectivity and discrimination that have plagued immigration, yet the prejudiced character of biometrics is still there, with social, political, and economic biases quietly [embedded within the hardware, software, and code of biometric technologies](https://www.theguardian.com/technology/2017/dec/04/racist-facial-recognition-white-coders-black-people-police).

For example, in the Trump administration, biometrics were used not just to track immigrants, but to employ in-depth identification methods when placing particularly ‘suspicious’ groups under special surveillance. This has caused [biometrics data to heavily skew towards crude and racist classifications](https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/) that generate victimization. Yet rarely is the talk centered around race, as it is often buried under legal, discursive, and practical operations that disguise it.

Even in the post-Trump era, [the threat that biometrics poses to immigrants has not vanished](https://about.bgov.com/news/border-face-scan-rule-stirs-civil-rights-groups-to-press-biden/). This February, over forty Civil Rights groups published a [letter](https://www.washingtonpost.com/context/civil-rights-group-letter-to-president-biden-calling-for-facial-recognition-ban/ad27090b-7b93-4f44-9ca9-1793157666b6/?itid=lk_inline_manual_4) that urged President Biden to halt the deployment of facial recognition software for foreigners at U.S. borders and airports. Additionally, immigrants rights groups have taken issue with [Biden’s plans to build a ‘smart wall’ at the Southern border](https://thehill.com/policy/technology/540494-immigrant-groups-slam-biden-smart-wall-bill-trumps-wall-by-another-name) that would incorporate biometric data collection and surveillance. They released a [statement](https://justfutureslaw.org/wp-content/uploads/2021/02/Statement-on-Biden-Bill-Border-Tech.pdf) which portended a “continuation of the Trump administration's racist border policies, not a break from it.”

The advent of the digital age has opened up a realm of biometrics that *is* unprecedented and unlike past biometrics, but only as a result of such devilishly developed technology. Despite this distinction, biometrics is exercised very similarly to control people then and now, using their own bodies against them. But it is the present and future threat of biometrics that possesses the heightened and pervasive ability to specifically cause harm to immigrants and people of color. These new tactics [may have emerged particularly as a result of the newer aims of a homeland security state and the war on terror after 9/11,](https://www.migrationpolicy.org/article/biometrics-migrants-and-human-rights) but just as bigotry is discreetly built into biometrics technologies, so is the sordid history of late nineteenth century biometrics built into and informing the biometrics designs of today.