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Identity theft will decline if TINs replace SSNs for identity.

As our immigration law partner Jay Marks and I have long known, today's New York Times reports that "Some ID Theft Is Not for Profit, but to Get a Job." Identity theft often takes the form of using false social security numbers, whether or not they belong to others. Generally, valid social security numbers are only given to people lawfully in the United States, from citizens to permanent residents ("green card" holders) to people with temporary visas to tourists. Barred from receiving social security numbers are the legions of immigrants who enter the United States without authorization in the first place (also known as undocumented people), or who overstay their visas without first obtaining a social security number. One of my high school social studies teachers was fond of saying that one barometer of freedom in a nation is whether the government allows people to emigrate. However, that is a particularly false barometer when immigration laws are so tight in the United States and elsewhere. Nevertheless, the gap between the substantial misery (political, economic, social and otherwise) in so many nations on the one hand and the perceived high standard of living in the United States on the other hand, will continue to lead people to risk their safety, comfort, family ties and national ties to come to the United States whether or not with a valid visa. Undocumented people will have less motivation to use others' social security numbers if government, financial institutions, and other entities will accept tax identification numbers to identify people (so long as tax identification numbers are freely and unconditionally made available to all by the Internal Revenue Service) for paying taxes, opening bank accounts, obtaining credit, obtaining drivers' licenses, and earning payroll funds, rather than using social security numbers for identity. Unfortunately, every year, social security numbers have been used more often as de facto national identification cards. Consequently, people sometimes come to us having been criminally charged with using false social security numbers and with related problems. Unfortunately, a conviction for using a false social security number or for purloining others' identity can lead to negative consequences with the immigration authorities. Jay and I strongly believe that immigrants are key to the success of American society, from today's immigrants to all who have preceded us (including the first nations, who originally came from across the Pacific). For too long, racism, xenophobia, and elitism have guided too much of America's immigration laws and policies. September 11 should not be used as an excuse to allow such an agenda to continue. Jon Katz.

Posted by Jon Katz in Jon's news & views at 00:00