

Academic-Policy Comment

Statutory and Empirical Critique of Biometrics Expansion

To: U.S. Citizenship and Immigration Services (USCIS) Docket No. USCIS–2025–0006 / RIN 1615–AC71 Subject: Academic Comment — Legal and Policy Analysis of Biometrics Expansion

I submit this academic analysis as a researcher in Population Health and policy governance. The proposed rule’s legal justification rests on overbroad interpretations of INA §§103(a) and 287(b). These sections authorize administration and evidence collection relevant to immigration enforcement—not continuous surveillance or indefinite retention of genetic data.

The definition of “biometrics” now includes DNA, ocular data, and voice prints, which are not contemplated in the INA or prior Congressional authorizations. DHS’s attempt to normalize indefinite “continuous vetting” contradicts due process standards recognized in **Department of Justice v. Reporters Committee for Freedom of the Press** and **Riley v. California**.

From a policy standpoint, this rule sacrifices proportionality and transparency for administrative convenience. DHS should instead modernize identification through verified chain-of-custody and cryptographic proof systems rather than invasive biological capture.

Recommendation: DHS withdraw and rewrite the rule to (1) limit collection to identity verification strictly necessary for adjudication, (2) prohibit genetic data storage, and (3) establish retention limits enforceable under the Privacy Act.

Respectfully, Brian J. London, MS (Population Health) MPH Candidate – University of Kansas Medical Center

Signature: _____
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