
BIRTH CERTIFICATE FRAUD



OFFICE OF INSPECTOR GENERAL
OFFICE OF ANALYSIS AND INSPECTIONS

MARCH 1988

OFFICE OF INSPECTOR GENERAL

The mission of the Office of Inspector General (OIG) is to promote the efficiency, effectiveness and integrity of programs in the United States Department of Health and Human Services (HHS). It does this by developing methods to detect and prevent fraud, waste and abuse. Created by statute in 1976, the Inspector General keeps both the Secretary and the Congress fully and currently informed about programs or management problems and recommends corrective action. The OIG performs its mission by conducting audits, investigations and inspections with approximately 1,200 staff strategically located around the country.

OFFICE OF ANALYSIS AND INSPECTIONS

This report is produced by the Office of Analysis and Inspections (OAI), one of the three major offices within the OIG. The other two are the Office of Audit and the Office of Investigations. The OAI conducts inspections which are typically short-term studies designed to determine program effectiveness, efficiency and vulnerability to fraud or abuse.

THIS REPORT

This report is entitled Birth Certificate Fraud. It was prepared following a review conducted to help HHS and other interested parties to gain a current overview of (1) the vulnerabilities to fraud in birth certificate forms and procedures of issuing and user agencies and (2) the best practices among State and local jurisdictions to minimize these vulnerabilities.

The report was prepared by the Regional Inspector General, Office of Analysis and Inspections, New York Region. Participating on the review were the following:

Project Staff/Region II

Lucille Cop
Jack Molnar
Pereta Rodriguez
Renee Schlesinger

Project Leader

Alan S. Meyer, Ph.D.
Deputy Regional Inspector General
Region II

Region I

Thomas Nee

Headquarters

Gail Shelton

Region IX

Deborah Harvey

BIRTH CERTIFICATE FRAUD

Richard P. Kusserow
INSPECTOR GENERAL

PREFACE

"... the foundation, or breeder document, for almost any other kind of identification for citizens is the birth certificate. Over 7,000 State and local vital records offices issue birth certificates with no uniform standards for issuance processes, controls, or quality of documents. In some jurisdictions, birth certificates are easily counterfeited, obtained through imposture, or created from stolen legitimate blank forms." *

*From Report of the Task Force on Criminal Implications of False Identification of the Fifth Conference of the Judiciary held by Laws At Work on May 23-24, 1984 in Los Angeles.

TABLE OF CONTENTS

	Page
PREFACE	
EXECUTIVE SUMMARY	i
INTRODUCTION	1
FINDINGS	3
I. The Problem	3
II. The Issuing Agencies.....	8
III. The Birth Documents.....	10
IV. The Issuing Procedures.....	12
V. The User Agencies	16
RECOMMENDATIONS.....	21
APPENDICES	
A. Best Practices.....	A1
B. Comments on Draft Report and OIG Comments.....	B1

List of Abbreviations

AFDC	-	Aid to Families with Dependent Children
AVRHS	-	Association for Vital Records and Health Statistics
DEFRA	-	Deficit Reduction Act
DMV	-	Department of Motor Vehicles
EPIC	-	El Paso Intelligence Center
FACFI	-	Federal Advisory Committee on False Identification
HHS	-	Department of Health and Human Services
ID	-	Identification
IG	-	Inspector General
INS	-	Immigration and Naturalization
LAW	-	Laws At Work
NCHS	-	National Center for Health Statistics
NWFA	-	National Welfare Fraud Association
OAI	-	Office of Analysis and Inspections
OI	-	Office of Investigations
OIG	-	Office of Inspector General
SSA	-	Social Security Administration
SSI	-	Supplemental Security Income

EXECUTIVE SUMMARY

PURPOSE AND BACKGROUND

In 1976, the Federal Advisory Committee on False Identification (FACFI) of the Justice Department pointed out that false identification was a serious national problem. In 1984, the Task Force on Criminal Implications of False Identification, sponsored by Laws at Work (LAW), a national citizen's association interested in law enforcement issues, endorsed a broad range of proposed actions, including a national review of birth certificate systems and practices. This inspection is a further study of this problem.

The purpose of the inspection was to: (1) identify vulnerabilities to fraud in birth certificate forms and issuance procedures and in procedures of user agencies which receive birth certificates as documentation; and (2) describe best practices among State and local jurisdictions to remove or minimize these vulnerabilities.

METHODOLOGY

Eleven States and New York City, representing differing problems and best practices in birth certificate forms and procedures, were visited. The sites included a disproportionate number of States with big cities or port or border cities where birth certificate fraud is heavily concentrated. Discussions were held with State and local registrars; fraud investigators from Immigration and Naturalization Service (INS), passport services, and various State agencies; and front-line workers in issuing and user agencies.

The study focused primarily on certified copies of birth records. In this report these certified copies are referred to as "birth certificates" as distinct from the original birth records or birth registrations on which certified copies are based.

FINDINGS

Major findings, which confirmed and extended the study results of FACFI and LAW, include:

- A birth certificate issued in the States is the key to opening many doors in our society -- from citizenship privileges to Social Security benefits. Such certificates can then be used as "breeder" documents to obtain driver's licenses, passports, Social Security cards or other documents with which to create a false identity. An Office of Inspector General study entitled **Social Security Number Validity in the Aid to Families With Dependent Children Program (AFDC)**, has shown that invalid Social Security cards are a major cause of AFDC errors.

- The birth certificate is also a key to creating a false identity and thus has great value for undocumented aliens who seek fraudulent citizenship, ineligible applicants who seek jobs or benefits, credit defrauders, fugitives, terrorists, and drug smugglers. Individuals can obtain a valid birth certificate through theft, purchase, borrowing, or applying, and then impersonate the real owner. They may produce, steal, or buy a counterfeit or altered document.
- While false identification (ID), in general, is estimated to cost society billions of dollars annually, data on the extent of birth certificate fraud are limited. With the new immigration law, however, it is likely that such fraud will increase.
- Issuance of birth certificates is a State function, but almost 7,000 local registrars' offices also issue certificates. The resulting multitude of certificate forms, official seals, and signatures (an estimated 10,000 nationwide) makes it extremely difficult for user agency workers to detect false documents.
- Privacy and security safeguards to protect birth records from unauthorized disclosures vary from State to State. In some cases this is attributable to a lack of State statutes on privacy of vital record information. Ten States allow the public open access to vital records. Even in the restricted States, however, ID is often not required. Weak physical security over forms and records, and use of non-safety paper for certificates, create additional vulnerabilities.
- Local offices which issue most birth certificates are even more vulnerable. They are less likely than their State offices to have safety paper, a standard State form, adequate security, or to mark "deceased" on birth certificates for dead registrants. Moreover, State control of local offices is still strongly resisted.
- A variety of measures to fight fraud have been developed. Many States limit local issuance and many now provide a standard State birth certificate form to their local offices and use safety paper or plan to do so. It is becoming increasingly common to match birth and death records. (See Best Practices in Appendix A.)

- The primary users of birth certificates (e.g., Social Security Administration, passport services, State welfare agencies, driver's license agencies, etc.) are faced with a gargantuan task. A birth certificate submitted to their workers may be any one of thousands of variations making it virtually impossible to determine their validity.
- The ad hoc nature of communication between Federal and State agencies has hindered effective prevention and detection of birth certificate fraud. Prosecution is hindered by legal limitations and difficulties in getting prosecutors to take cases involving birth certificate fraud unless linked with other major criminal activity.

RECOMMENDATIONS

Efforts to reduce birth certificate fraud take on added urgency in light of the new immigration law which requires employers to check the citizenship or work authorization and identity documents of potential employees. The new law also requires State agencies to verify the immigration status of alien applicants for Federal benefit programs. It is expected that more aliens will try to escape this check by claiming citizenship. A birth certificate is one acceptable identity document for verifying citizenship.

Since the issuance of birth certificates is clearly a State function, recommendations are directed to the State level. To be effective, improvements in birth certificate controls must include both stricter issuance and more tamper-proof documents. Neither by itself is sufficient.

It is recommended that State registrars, with the support of their Governors, legislatures, and relevant national associations as needed, should:

- standardize the form and content of birth certificates within their State to protect birth documents against alteration and counterfeiting, and expand the use of bank note-type safety paper with security features;
- promote greater intra-State standardization of birth certificate forms and procedures, through State legislation if necessary, by reducing the number of local issuing offices and/or exercising greater control over them;
- establish minimum standards for all issuing offices to assure the physical security of original vital records, certified copy blanks, and seals against theft, and maintain a system of strict accountability of all certified copy blanks;

- urge legislatures to amend existing statutes or pass new ones, where needed, to protect the privacy of individual vital records by restricting physical access and strictly limiting applications for copies;
- assure that States participate fully in and help expand the voluntary Interstate Vital Records Exchange System of the Association for Vital Records and Health Statistics, by including the sharing of death records for persons substantially beyond infancy, and should apply a "Deceased" overlay to all original and certified copies of birth records of persons who have died; and
- work cooperatively with the Social Security Administration to establish procedures whereby parents can receive a Social Security number for their infants at the time a birth is registered, and in the long run help reduce the utility of a false birth certificate as a breeder document of a false identity.

COMMENTS ON DRAFT REPORT AND OIG RESPONSES

Department of Health and Human Services comments were received from the Administrator of the Health Care Financing Administration (HCFA), the Deputy Assistant Secretary for Health Operations of the Public Health Service (PHS), and the Commissioner of Social Security. From outside HHS they were received from the President of the Association for Vital Records and Health Statistics (AVRHS) and the Director of the Office of Consular Fraud Prevention Program of the U.S. Department of State.

The PHS commented that the report should distinguish between an original birth record and a certified copy of the record. In response, the term "birth certificate" as used in the report will always refer to a certified copy.

The AVRHS suggested that additional documentation of the extent of the fraud problem would help convince States of the need for change. Additional information on the scope of the problem is thus included.

The Department of State and HCFA made suggestions for more specific recommendations involving a more active Federal role as well as coordinated action by State and local registrars. The details of these comments and our responses are summarized in Appendix B.

The AVRHS and PHS offered technical comments on specific findings and on several recommendations. In response, appropriate changes were made as indicated in Appendix B.

INTRODUCTION

PURPOSE AND BACKGROUND

In 1976, the Justice Department's Federal Advisory Committee on False Identification (FACFI) in its report, **The Criminal Use Of False Identification**, found fraudulent identification to be a national problem costing \$15 billion annually. The FACFI recommended standardization of birth records, matching of birth and death records, limited access to records, and other measures to reduce the fraudulent use of birth certificates and other documents. In 1977, the U.S. Public Health Service revised its Model State Vital Statistics Act, in part to strengthen efforts to reduce birth certificate fraud.

Seven years later, in response to continuing problems, the Inspector General (IG) of the Department of Health and Human Services (HHS) and top officials from the Departments of State and Justice co-chaired a Task Force on Criminal Implications of False Identification. Sponsored by the Fifth Conference on the Judiciary of "Laws at Work" (LAW), the task force proposed a study of birth certificate problems and practices. The task force acknowledged the significant work done by the HHS IG in investigating birth certificate fraud and issuing fraud alerts and recommendations to correct vulnerabilities. To further the recommendations of the task force, the HHS IG initiated this national inspection of the problem of birth certificate fraud and measures to counteract it. The purposes of the inspection were to:

- *identify vulnerabilities to fraud in birth certificate forms and procedures and in procedures of user agencies which receive birth certificates as documentation; and*
- *describe best practices among State and local jurisdictions to remove or minimize these vulnerabilities.*

The birth certificate is a key document in applying for benefits, privileges, or services from a variety of Federal and State programs such as Social Security, Aid to Families with Dependent Children (AFDC), Medicaid or Food Stamps. The birth certificate is also used to obtain other important documents such as a passport or driver's license. The birth certificate has been called a "breeder" document because with a false one a person can obtain other false identification (ID) documents with which to defraud Government or business, or create a new identity.

The release of this report, coming after the enactment of the Immigration Reform and Control Act of 1986 (IRCA), should be especially timely for States in their efforts to strengthen document security and issuance practices and for user agencies in tightening eligibility verification procedures.

METHODOLOGY

The IG's Office of Analysis and Inspections (OAI) in New York, with support from Boston, San Francisco, and Seattle, visited 12 jurisdictions (11 States and 1 city). The sites visited were: California, Florida, Illinois, Massachusetts, Michigan, Minnesota, New York City, New York State, Texas, Vermont, Virginia and Washington. Since New York City has its own registrar, it is treated as a State. Discussions in New Jersey pre-tested the study design and provided data for analysis. The study focused primarily on certified copies of birth records.

In this study, the certified copies are referred to as "birth certificates," as distinct from the original birth records or registration on which certified copies are based.

Pre-inspection discussions were held with officials of the U.S. Departments of State and Justice and of HHS's Social Security Administration (SSA) and National Center for Health Statistics (NCHS). The Association for Vital Records Health Statistics (AVRHS) and the National Welfare Fraud Association (NWFA) provided useful assistance. Also helpful were central and regional staff from the Office of Investigations (OI) who provided case material.

Sample States were selected to include major types of vulnerabilities to birth certificate fraud, and best practices in counteracting these vulnerabilities. The sample contains a disproportionate number of States with large metropolitan areas and port or border cities where problems involving fraudulent use of birth certificates are most likely to be found. The States include a mix with regard to the number of local registrars, the ease with which someone can obtain a birth certificate, and geographical region.

In each of the 12 States, team members met with State and local registrars, fraud investigators, and front-end workers in issuing and user agencies. The investigators were from State human services and motor vehicles agencies, INS special agents, passport agency fraud coordinators, SSA Regional Security Officers, and OI and other agencies. Team members held over 200 discussions.

FINDINGS

I. THE PROBLEM

"They are definitely being used for fraudulent purposes. We may be seeing the tip of the iceberg. Birth certificates are needed for our life style. A person needs a birth certificate to participate in society. For false identity, it is what is needed." -- A New England Fraud Investigator

Birth Certificate Fraud Takes Many Forms

Birth certificate fraud involves one or more of the following illegal acts: stealing, transferring or selling valid birth certificates; counterfeiting, selling, or using bogus documents; using or selling altered documents; and using someone else's valid certificate by impersonating the owner.

Impersonation was most often mentioned by investigators and registrars as the most common way of obtaining a birth certificate for fraudulent purposes. In some areas, counterfeiting is a big business. Use of a counterfeit birth certificate was, in fact, mentioned second as a way of committing birth certificate fraud. Alteration of a valid certificate was mentioned third. Theft was mentioned least often, though a variety of incidents were reported.

The following cases from the Office of Investigations strikingly illustrate the impersonation method of committing birth certificate fraud:

- Many years ago, a baby died in infancy. Recently, a young man (under the age of 20 and employed as a caretaker in a local cemetery) requested from a registrar's office a copy of the birth certificate of the dead infant. Since this State considers birth records public information and allows practically anyone to request and obtain anyone else's birth certificate, he was able to get the dead infant's birth certificate. With this, he attempted to open a bank account using the identify of the long-deceased infant. Much to his surprise, he was apprehended after being recognized by the bank teller, who was the mother of the dead boy.

- A Supplemental Security Income (SSI) beneficiary, age 41, was using fake medical data under false names to receive multiple SSI payments. The subject obtained death certificates of two persons, both born within 1 or 2 years of his birth. With these, he then obtained birth certificates from the counties of their births. He used these birth certificates to obtain Department of Motor Vehicles (DMV) identification. With the birth certificate and DMV identification of one person, the subject

appeared at an SSA district office to apply for an Social Security number (SSN), satisfied the SSA requirement of two ID documents and was assigned an SSN. In the same manner, he was given an SSN for a second person through another SSA district office. Once the false identities were established, he filed multiple claims for SSI in different SSA offices.

- Between April 1985 and June 1986, a legally blind, escaped convict fraudulently obtained at least three SSN cards and \$1,313 in SSI presumptive disability payments. He used fraudulently obtained legitimate birth certificates to establish fictitious identities prior to filing for the SSN cards. He then filed for SSI disability using the false ID and newly acquired SSN. Investigation revealed he was a fugitive from a Federal correctional facility in California, where he had been serving a 15-year sentence for fraudulently obtaining over \$140,000 in SSI payments over a 7-year period. He had established at least 38 known fictitious identities.

Many other cases were reported by registrars and other investigators illustrating fraud through counterfeiting and alteration of documents. For example:

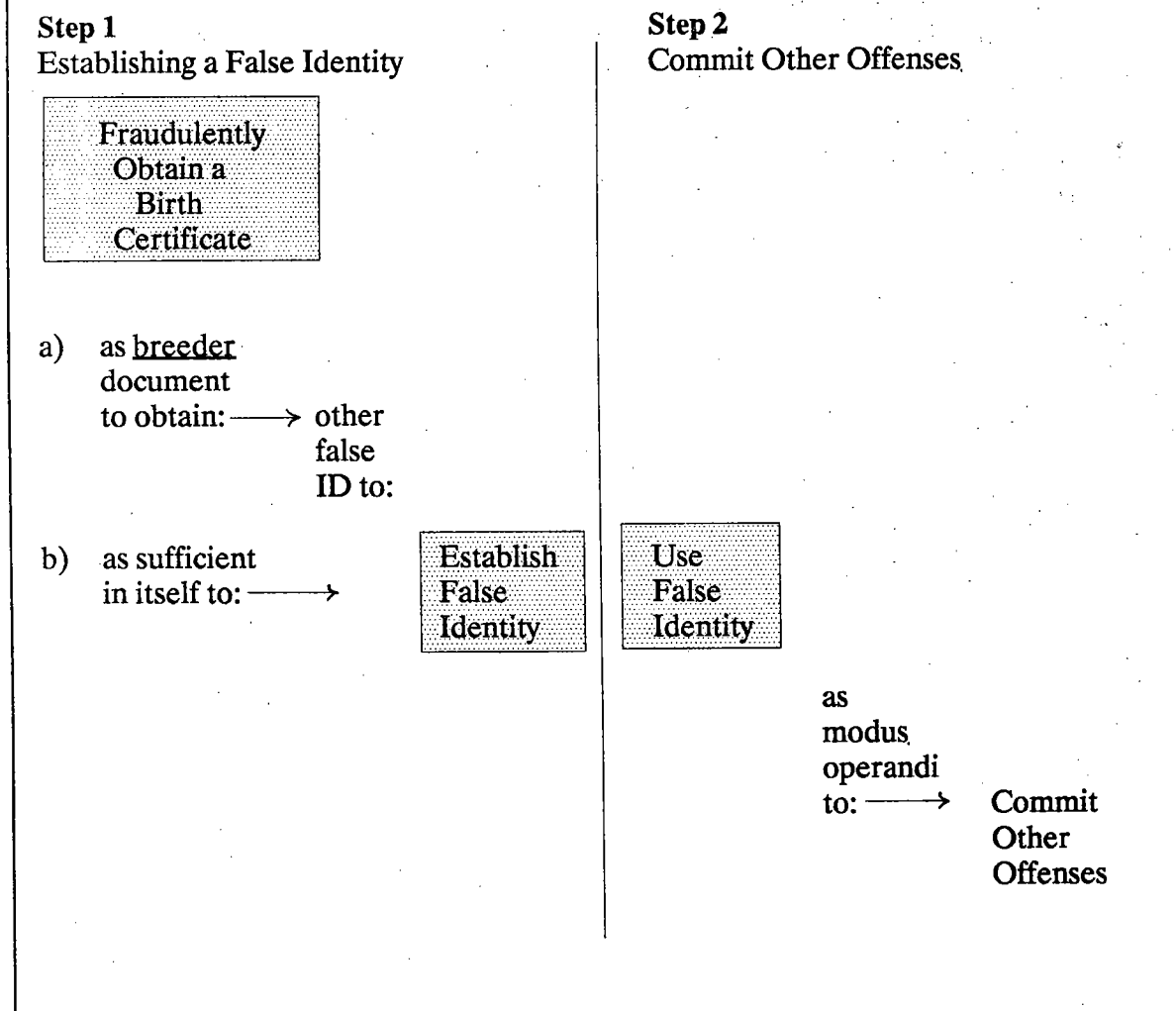
- A counterfeiter in a southwest city printed birth cards on safety paper. He sold the cards for \$40 to \$50 each and they were resold by a trafficker in false ID for \$1,100 to \$1,500 each.
- An SSA employee invented 25 fictitious beneficiaries over a period of 10 years. To do this, she took a photocopied birth certificate from a legitimate beneficiary file, whited-out the real name and typed in the fictitious information on the birth certificate. She then made a photocopy of the altered certificate for the fake beneficiary's file. Before being discovered, she had received approximately \$360,000.

Perpetrators Use Birth Certificates To Help Establish False Identity For Other Illegal Purposes

Almost all perpetrators of birth certificate fraud go through a two-step process. As Figure 1 below illustrates, the two steps are: (1) to fraudulently use a birth certificate to obtain false ID documents and thus create a false identity; and (2) to use one or more of these false ID documents to obtain government benefits or privileges to which one is not entitled, or to commit other crimes under an assumed name. The first step is to use a birth certificate as a "breeder" document, and the second step is to use the resulting false identity as a **modus operandi**, or method of operating, to defraud business or Government, and/or avoid legal sanctions.

FIGURE 1

The Two-Step Process of Fraudulent Use of Birth Certificates



Most Perpetrators Are Career Criminals Or Illegal Aliens

Illegal aliens and career criminals were mentioned most often by respondents as the kinds of persons most likely to commit birth certificate fraud. While there is some overlap between individuals in these two categories, each group tends to commit birth certificate fraud for different reasons.

Career Criminals Include:

- those who use false identities to engage in such activities as drug smuggling, insurance fraud, cashing bad checks, counterfeiting and/or selling birth and other documents, entering sham marriages for a price, credit card or bank fraud, securities fraud, money laundering, organized crime, and illegal departure from and entry into the country;
- terrorists, espionage agents, and fugitives who use false documents to avoid identification and detection;
- ineligible beneficiaries who habitually use the fraudulent paper route to obtain such government benefits as AFDC (based on non-existent children), other public assistance, unemployment insurance, SSI, Social Security (i.e., retirement, survivor or disability payments), college grants and loans, and sometimes duplicate benefits under different identities; and
- some employees of issuing or user agencies who, by illegally issuing or accepting birth certificates, facilitate birth certificate fraud by the above kinds of criminals.
- Some otherwise law abiding citizens also get caught up in using altered or other illegal birth certificates to gain privileges or avoid legal penalties. Common examples include: parents of minors whose birth record ages are changed to make them eligible for Little League teams; minors to get a driver's license or buy alcoholic beverages; adults who change their recorded age for what is called "vanity fraud" or to speed up or delay retirement, Medicare, or Social Security benefits; and those lawbreakers who assume an alternate identity to avoid fines.

Illegal Aliens typically use fraudulent birth certificates for gaining a legal status, benefit or privilege to which they are not entitled. Those that misuse birth certificates seek to:

- become a U.S. citizen or legal alien;
- get a Social Security card to work or to collect unemployment benefits;
- become eligible for welfare benefits;
- obtain a passport; or
- get a lower college tuition rate or certain college grants or loans.

While these illegal acts can be committed by persons in any alien status category, most concern was expressed about illegal aliens, who face deportation if apprehended without proper documents. Those who misuse birth certificates come from all parts of the world.

Extent Of The Problem Is Unknown

Most State and local registrars and user agency investigators did not know of any statistics on fraudulent birth certificate cases being kept by their own or other agencies. Only three State registrars said they kept track of fraud cases.

Passport's Office of Evaluation and Standards maintains statistics of cases referred to investigative agencies by each field office. During Fiscal Year 1987, 1,845 referrals were made prior to issuance of a passport. However, these do not include the applications estimated to be fraudulent based on determinations after issuance of a passport. These cases are largely, if not entirely, based on bogus birth certificates.

The El Paso Intelligence Center (EPIC), established by INS to receive reports from anywhere in the country on the use of fraudulent documents, received 16,130 reports of fraudulent birth certificates during FY 1986 and 9,456 during FY 1987. However, most of these reports are from Texas, California, and Illinois and do not represent all cases nationwide. While not currently national in scope, EPIC's information is a potential clearinghouse on fraudulent ID.

When asked how many birth certificate fraud cases had come to the attention of their agency last year, a third of the respondents were unable to give a figure. Among those who could, State registrars and investigators reported an average of 134 cases a year; local registrars reported on the average only one case a year. Only a fifth of the local registrars interviewed thought that birth certificate fraud was a problem. Although most of the States had few, if any, statistics, 7 of 11 State registrars interviewed considered birth certificate fraud a big problem in their State. The other four would not venture a judgement.

The lack of any national, State, or local figures on the extent of birth certificate fraud suggests that such data collection generally has low priority at all levels. This could be because Federal and State agencies have not yet focused sufficient attention on this type of fraud.

The pessimistic conclusion of some respondents was that the system is out of control and that the war is being won by those who would use birth certificates as an important link in a chain establishing false identify for illegal purposes. In 1982, the U.S. Senate's Permanent Subcommittee on Investigations' study estimated

that fraudulent ID in general cost society upwards of \$24 billion. Since there is no reason to assume that the problem today is less severe, the cost to society, taking into account inflation, would currently approximate \$30 billion.

At a hearing on the False Identification Crime Control Act before the House Committee on the Judiciary in 1982, a Justice Department official testified that the problems identified in the FACFI report still exist and may even have worsened in light of the increased number of illegal aliens, international terrorists, and drug-smuggling rings in recent years. State legislators are reportedly concerned with the increasing evidence of a link between false ID documents, including birth certificates, and illegal drug trafficking. Referring to bogus birth certificates as a particular form of false ID, one registrar in a western State observed that: "Birth certificate fraud is mainly a question of 'green.' The problem will exist as long as there is money to be made."

II. THE ISSUING AGENCIES

"I've tried to get the system more centralized, but it's too political." -- An Eastern State Registrar

Nearly 7,000 Local Offices Still Issue Birth Certificates

Certified copies of birth records, as well as of other vital events, are issued by State and local registrars, stamped with an official seal and signed by them, and provided to applicants who meet the issuing agency's requirements. These agencies are usually located in State or local health departments but may operate out of other local offices or even homes.

In 1976, FACFI counted about 7,000 local offices nationwide which issued birth certificates. In 1981, NCHS survey data showed about the same number. This inspection found only a 1 percent drop in local offices from the NCHS data in the 12 States visited. The multitude of local offices has thus continued. Most copies of birth certificates are reportedly issued by these local offices.

Central Control Over Local Offices Is Resisted In Most States

Existing statutes in many of the States visited call for State direction and supervision of local registrars' offices. These States have authority to set policy and procedures and to monitor local compliance. In actual practice, however, most States exert minimal control.

In about half the States visited, local registrars used their own forms and procedures instead of, or in addition to, those of the State. Although half of the State registrars said they closely monitored local offices, two-thirds of the locals in these same States said their offices were not closely monitored. Only two State offices made site visits to local offices at least once a year. All but one of the State registrars said they had concerns about the controls over blank certificates and seals in local offices.

The 1977 revision of the model State Vital Statistics Act disseminated by NCHS calls for centralization of State registrars' offices. Although many State registrars recommend the reduction, if not the elimination, of local issuing offices, there has been little recent movement in that direction. Thirty States and Puerto Rico allowed their local offices to issue birth certificates.

Resistance on the part of the thousands of county, city, and town offices across the country is based on a combination of local custom and pride, convenience to applicants, financial gain from fees collected (especially where the forms are supplied free by the State), and local political patronage. Concerns about birth certificate fraud, and the fact that a multitude of local issuing offices makes such fraud easier to commit, has not sufficiently motivated legislators and executives to overcome these resistances in most States. Nevertheless, some progress has been made. (See Appendix A.)

Ten Thousand Varieties Of Birth Certificate Seals, Signatures, Or Forms Are Used Nationwide; 6,000 Used In 13 States Visited

The 1976 FACFI report estimated that over 1,000 different birth certificate forms were then issued nationwide. This meant that workers in user agencies -- those agencies to which birth certificates are submitted to document eligibility for a benefit or a privilege -- had to deal with over 1,000 different forms.

However, this inspection found that user agency workers are faced with a much more difficult task. They not only see different formats with their differing content, but also see a different certifying seal and registrar's signature from each local registrar which issued the certificates. Unless the worker knows what seal and signature was used by the particular local issuing office at the time the birth registration was filed or the certified copy was signed, there is no way of knowing that the document, even if it is an appropriate form for that city or town, is authentic.

The FACFI report concluded that the wide variety in document format and authenticating seals encourages the passing of counterfeit documents. Indeed, one of our respondents commented on the confusion about seals:

"Someone walks in with a birth certificate which is completely alien to what the workers are familiar with. Even the seal itself varies. We said once it shouldn't say 'seal,' then we found some that do."

From the worker's point of view it would appear to be more accurate to count differences in seals and signatures, as well as difference in forms themselves, in describing how big the problem really is.

In about 4,000 issuing offices in the 13 States visited (including the pretest State), each had their own unique seal and signature as well as place name. Large city offices issue an average of two forms. It is a conservative estimate that these 4,000 offices issue at least 6,000 (1.5 times the number of offices) varieties of birth documents with unique seals or signatures, or printed on different forms. This does not take into account the fact that State and local offices also issue copies of older certificates which have seals, signatures, and forms different than the current ones used.

Based on our conservative estimate of a 1.5 to 1 ratio of documents to offices in the States visited, it is reasonable to assume that the approximately 2,900 local office in the remaining States issue about 4,300 varieties of birth documents differentiated by unique seals, signatures, or forms. We estimated that there are at least 10,000 different seals, signatures or forms currently used around the country. Including the many older forms issued over the years and still in use, the estimate would be higher. Thus, the problem of variety is even more overwhelming than was suggested by FACFI.

III. THE BIRTH DOCUMENTS

"Print the birth certificates on a certain type of safety paper that no one else can buy. Cut off the supply of paper to counterfeiters." -- An Eastern State Investigator

Most States Visited Provided A Standard Form To Local Offices; But Only Some Locals Used Them

Three quarters of the States contacted reported having a standard birth certificate available for local offices to use. However, in only two States were the standard forms used throughout the State. In another three States, only some local offices used the standard form. Even in the five jurisdictions where a standard form was sometimes used, a total of 19 forms, including the standard ones, were used.

When local offices use these standard forms, which are generally provided free by the State, they always add the seal, registrar's signature, and place name of the local issuing office. None of the States visited used just one standard form throughout their State.

Most respondents recommended standardizing birth certificates within each State to reduce the variety of forms.

Half The State Offices Visited Were Not Using Safety Paper; Locals Generally Did Not

Six of 12 States did not use safety paper, although three of these States were planning to do so. Highly secure safety paper includes such features as intaglio printing, latent images, high resolution borders, and colored background designs. These features are commonly found in bank note paper. Local offices in only four of the States reported using safety paper, and they also issued some copies on non-safety paper as well. An INS investigator in the Midwest pointed out that to save money, small counties use inexpensive paper "which you can buy in a corner drug store."

The extra expense of bank note paper was often cited as an obstacle to its use by local registrars and even by some State offices. One registrar estimated the extra cost of the bank note paper to be at least 13 cents more per copy.

The non-safety paper still used by some States and most localities presents numerous problems. Cited as most vulnerable to fraud through alteration or counterfeiting were photocopies, plain white paper certificates, and plastic registration cards. (See Best Practices in Appendix A.)

Seals were also seen as a weak link. Not only were original seals and certifying stamps at the local level described as illegible, but respondents noted that the stamps and seals can be easily duplicated.

Physical Security And Document Control Improving But Still Spotty

As awareness of birth certificate fraud has increased, State efforts to secure birth registration and certificate forms appear to have improved. Blank forms and seals are typically locked in drawers or lockers at night and kept away from public access during the day. There are exceptions. One State registrar said his two seals were put away in a desk but the desk was not locked. Some States allow the same person to handle the processing and answering of requests for copies. This may provide more opportunity for theft or fraud to go unnoticed. (See Best Practices in Appendix A.)

Insufficient control over blank forms was also noted at the State level. Not all States prenumber their forms. While most, if not all, State offices have developed systems of numbering, logging numbers as used, and reconciling against dollars collected for fees, there are still some gaps in security. Examples include:

- blank birth certificates and seal stored in the open;
- a microfilm file of birth records kept behind the counter;
- documents kept at home by a local registrar; and
- theft of a city's birth certificate forms from a city print shop.

These examples underline the need to increase security at all stages, from printing through issuance of birth documents. The most secure paper is only as safe as the procedures for printing, distributing, locking and accounting for it.

A major reason for local office vulnerability to theft, loss, alteration, and counterfeiting is the lack of guidance, standards, or active oversight from most State offices regarding security. Accessing indexes and files of original birth registrations is one effective way to get the information needed to apply -- legally or illegally -- for the birth certificate of another person. Persons with fraudulent intent can peruse either birth or death records to get the name, date, place of birth, and other items (e.g., mother's maiden name) which may be required.

States' laws and regulations regarding access to vital records vary greatly. Either it is practically impossible for the public to get into the vault or room where original birth registrations or indexes are kept, or it is practically impossible to keep the public out during office hours. States with "open records" laws are more vulnerable to fraud through easy access to records.

IV. ISSUING PROCEDURES

"Almost anyone can go over to the State and get someone else's birth certificate." -- A Welfare Fraud Investigator In An "Open Record" State

All States Vulnerable To Fraud; "Open Record" States More So

Five of the 12 States visited -- California, Massachusetts, Minnesota, Vermont and Washington -- had laws which classify them as "open record" States. These are States, as succinctly stated by a local registrar, in which: "By law, the original birth registration is a public record. Anyone can see it and get a copy of it. We have no authority to question." Nationwide, 10 of 57 central office issuing jurisdictions had "open records;" in 43, the records were relatively more protected. The four other jurisdictions (Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) were not included in this analysis.

The five "open" States visited allow any individual with the minimum information necessary to apply for and obtain a copy of anyone's birth certificate. Offices in these States generally do not require any ID from the applicant. States with protected record statutes allow copies to be issued only to certain categories of

persons. Typically, those eligible include registrants over 18, parents, guardians or legal representatives. However, even in the seven stricter States visited, only two reported requiring any ID at the State Registrar's Office. An investigator in a "protected" State described a vulnerability in the issuing agency's procedures as follows: "The problem in issuing is clerks not knowing who is standing in front of them. There's a lack of interest in many local offices in thwarting fraud. It doesn't seem to affect them."

As some States and localities move to tighten issuance procedures, "How To" manuals, supplemented by word of mouth, are spreading the word about what areas to avoid. The *Paper Trip II*, for example, an underground-type publication on how to create a false identity, warns against requesting a birth certificate in certain States and cities and advises its readers, "...that you not get discouraged that your efforts appear stymied in a particular area. Go to the next county--or State--and try again. Nine times out of 10 you won't believe how easy it is."

All States, whether protected or not, are vulnerable to fraud because ID is seldom required, fraud prevention has a low priority particularly in local offices, and death records can frequently be obtained.

The Application Process Is Generally Weak, Especially By Mail Or Telephone

All the States visited used application forms for persons requesting a birth certificate. However, most required them only of the 15 to 20 percent of applicants who walk into the State office. In the large majority of requests to the State office, which are made by mail (or, in a small but increasing number of cases, by telephone), application forms were not generally used.

The situation was reversed in local offices: walk-ins constituted about 60 percent of all applicants, and applications were generally required. The remaining 40 percent who requested a copy by mail or telephone did not fill out applications.

Applicants who mail or telephone in their requests, without application forms, usually did not have to give any identification or even provide their signatures. Registrars saw mail requests as the most vulnerable mode of request because there is no opportunity to question the person as with "walk-ins" and even "phone-ins."

In the last several years, a growing number of State and local registrars have begun to accept applications by telephone. This procedure has been facilitated by computer technology. Registrar clerks key into a terminal the necessary information given by the telephone applicants, including a credit card name and number

to cover the fee. Since there is no way of verifying that the caller is the same person whose name is on the credit card or, for that matter, is eligible for the requested certificate, impersonation by telephone is as easy as by mail.

Even if all applicants were required to complete an application, the current forms contained weaknesses. Twenty-one application forms (10 State and 11 local) were examined and compared to the Model Application Form for Birth Certificates prepared for FACFI. Among the items contained in nearly all the forms, only one is not easily known to an outsider: the mother's maiden name. This can be obtained from a death certificate.

As many as a third of the forms failed to call for the following items: the hospital or address at which the registrant was born, the full name at birth, and the applicant's signature. Even when forms did contain the above items, all of which were included in the FACFI model, the applicant was not routinely required to answer each question. In some offices, for example, the applicant's signature was optional.

Other items, some of which are hard for potential impostors to know, were not generally included. The following items, for example, were included on the 21 forms less than half the time:

<u>ITEM</u>	<u>Percent of Times Included on Forms</u>
Purpose of application	43%
Warning against fraudulent application	14
Mother's place of birth	10
Father's place of birth	10
Mother's address at time of birth	0
Number of prior births	0

No matter how well the application is designed to discourage fraud, however, it will not be an effective countermeasure unless it is required of mail and telephone requesters as well as of "walk-ins."

Another measure to reduce fraud is to tally the number of requests and flag frequently-issued certificates to avoid inappropriate issuance. Many States have not taken advantage of this preventive tool.

States Are Matching Birth And Death Records

A frequently used technique to obtain a birth certificate is the "Infant Death Identity" scheme (i.e., getting a certificate for a dead infant with identifying information gleaned from old newspapers or death registers). To combat this, FACFI recommended matching of birth and death records.

More States were found to have begun to match their own birth and death records in the last few years. The Association for Vital Records and Health Statistics has obtained agreement from the States to exchange birth and death and other vital records with each other on a regular basis. (See Appendix A.)

A number of problems inhibit the smooth exchange of birth and death certificates among the States (and even within States). One problem is the time gap between a person's death and the time at which the record is received and the birth record marked "deceased." As long ago as 1971, in anticipating the possibility of cross referencing among States, *The Paper Trip I* advised: "There would be a time delay loophole in the birth/death matching. Updating would occur probably only once per month, which would allow a clever Tripper time enough to obtain a birth certificate of a recently deceased person."

Some States which match births and deaths did not send notices to local offices to enter on their records. Thus, impostors could still obtain birth certificates of dead persons from these local offices.

Another obstacle to effective matching among the States is the variation in the upper age limit for matching deaths. This limit ranged from infancy to middle age among the States visited. Nor did State registrars always agree on the Interstate Agreement's upper age for sending children's death notices to the State of birth.

The cost of conducting birth/death matches was cited by respondents as a problem which could affect the feasibility of matching records on some sort of national basis. Only half the local registrars endorsed the idea and several mentioned funding problems. While the great majority of State registrars and investigators stated their belief that such matching was both desirable and feasible, a third of the State registrars cautioned about the cost.

Both AVRHS and NCHS continue to explore ways to expand birth/death match activities. The AVRHS has recently surveyed its membership to ascertain the readiness of State vital statistics offices to extend their interstate birth/death matches beyond infancy into adulthood.

A project to link infant birth and death records nationally was launched in late 1986 by NCHS. Although initiated for statistical purposes, the project is further developing birth/death match technology. NCHS has also asked States to describe their procedures for flagging birth records of deceased infants. The results of this evaluation project will be shared with States.

While there is no agreement on any one solution, consensus regarding the need exists. As stated by a western welfare investigator, "If birth records were matched with death records and birth certificates were stamped 'deceased' across the front, they could not be used for fraud."

In a somewhat related action, the Social Security Administration has been piloting a project in three States to issue SSNs to infants at birth at the request of their parents. One positive effect of implementing this demonstration nationally would be to increase the integrity of the SSA's process for issuing Social Security cards. Since most applications for cards made subsequent to the time of birth would be for replacement cards only, SSA's built-in internal review of the original application documents would minimize the use of fraudulent birth certificates as breeder documents to falsely obtain Social Security cards. Specifically, SSA does not recognize the birth certificate as an identification document when issuing replacement cards.

V. THE USER AGENCIES

"There are so many different types of legitimate forms issued by the States, counties, and cities that it is impossible to be familiar with those of even a few States." -- An Associate Commissioner Of The Immigration And Naturalization Service

Federal And State Agencies Use Birth Certificates Heavily

Heavy users of birth certificates submitted by applicants as evidence of eligibility include the following two Federal and two State agencies:

- **Social Security Administration.** District office claims and service representatives ask for birth certificates as proof of age and citizenship when persons first apply for Social Security cards, as proof of age for retirement benefits and as proof of both age and citizenship for SSI. Birth certificates are also used as proof of age and/or relationship for dependents of the primary worker for such programs as Retirement, Survivor's and Disability Insurance.
- **Passport Services Of The Department Of State.** Examiners, clerks of court, and designated post office employees ordinarily require birth certificates of first-time passport applicants as proof of citizenship.

- **State Human Services Agencies.** Intake and eligibility workers request birth certificates as proof of age or relationship of applicants for: Federally-funded programs like AFDC, Food Stamps, and Medicaid; and for State-funded general assistance programs. Besides the problem of fraudulent birth certificates, missing or fraudulent social security cards, as noted earlier, were found to be a major source of errors in programs such as AFDC.
- **State Driver's License Agencies.** Desk clerks in these user agencies prefer birth certificates for proof of age with young applicants.

Each of these agencies requests a birth certificate when the applicant says it exists. However, the agencies differ in the documentation they will ultimately accept. Passport services is most insistent. While SSA will send an applicant home to get a certificate or ask a district office in the area where the applicant was born to check on the existence of a valid birth record, State agency workers have more leeway in accepting alternate documents. When no birth certificate exists, all of the agencies will review such alternate documents as baptismal certificates and census documents.

Most Workers Receive Minimal Training On Birth Certificates

Workers in user agencies review anywhere from 30 to 350 birth certificates a week. As many as 40 percent of these are from out of State, making it harder to evaluate their authenticity. The situation was summed up by an investigator with a user agency in the South who said: "There's no way to determine what is authentic with a reasonable degree of success. It's a big problem. We're talking about thousands of documents issued from so many sources. There's no control."

As a result, agency workers reported recognizing an average of only two or three suspicious-looking birth certificates in a month, and few of them ended up being rejected as invalid. More than one worker echoed the words of a supervisor of a multi-service center in a midwestern State who said, "I wouldn't know a counterfeit if I saw one."

The amount of training which workers get in birth certificate fraud varies by agency. The passport services has the most active training program for its field office personnel but it is less extensive for post office employees and clerks of court who handle the majority of passport applications. Senior examiners and passport fraud coordinators provide on-the-job training in the field offices, and a training manual lists criteria of a good birth certificate.

Social Security provides some training for its district office staff. It consists primarily of initial instruction in document review, followed by distribution of procedures manual updates, regional circulars and other written materials. These cite known fraudulent activities, including theft and counterfeiting of birth certificates, which could affect acceptance of applications.

The majority of SSA workers, however, indicated a need for more training in this area. One worker said it was 10 years since she was trained. Another SSA representative said that, "Training is not intense; it's sporadic and depends on the interest of the worker." An SSA security officer described the result: "The amount of knowledge among workers varies. One person will quote you chapter and verse and the person next to him won't know a thing." Nevertheless, SSA officials state that even an extra emphasis on training will not give workers the degree of expertise they need to detect false documents -- an expertise usually found only in special document labs.

State welfare and driver's license agencies generally have less well developed training programs for their staffs. Several welfare office supervisors said there was no awareness among their staffs of the topic since there were no problems in their areas. (See Best Practices in Appendix A.)

A special problem was noted in those States where local welfare agencies process applications for Social Security numbers on behalf of SSA. An earlier HHS/OIG report, **Controls Over The Social Security Number Application Process**, found that such local welfare workers receive inadequate training in detecting false birth certificates.

The driver's license agencies typically have had little or no training for their counter clerks regarding birth certificate fraud. One State agency official had not known any problem with birth certificates existed. (See exceptions in Appendix A.)

Agency "Service" Mission And Employee Evaluation Criteria Act As Disincentives To Ferreting Out Fraud

The primary mission of SSA, passport services, State welfare, and driver's license agencies is to serve the public. While most of them have investigative units, the agencies' service philosophies tend to permeate the staff even as they try to defend against fraud. The emphasis is on moving large numbers of cases efficiently through the system. In the words of an investigator, "A birth certificate is one more check on a blank form; because of the volume, it's not feasible to do a lot of checking."

Workers were also asked how high a priority their agency placed on stopping fraudulent use of birth certificates. While two-thirds of the workers from passport services said it had medium or high priority, none of the SSA staff said so. Compounding these obstacles to greater anti-fraud activities is the lack of incentives for workers to do more. For example, no credit is given by SSA for detection of fraudulent documents under its system of performance evaluation.

Poor Communication Hinders Deterrence And Detection

Communication and cooperation among Federal, State, and local investigators, and between the investigators and State and local registrars took place in every State we visited. The extent and effectiveness of such efforts, however, varied from good to poor.

While effective coordination efforts were observed in some cities and States visited (see Appendix A), the overall picture presented to the inspection team around the country was that of poor communication among agencies. The spotty nature of these efforts was illustrated by the following items:

- "It's one-way communication -- we never hear back."
- "We've been waiting over a year for SSA to straighten cases out."
- "I've notified the Secretary of State -- it's like talking to a wall."
- "We work close with INS but get no feedback on action it takes on referrals."

Cooperation between State registrars and investigative agencies also varied widely. The California State Registrar, for example, had loaned a microfilm file of vital records to the Los Angeles Passport Office for onsite access (see Appendix A). A registrar in another State, however, reportedly would not expeditiously verify birth certificates for the passport office there. The lack of formal and coordinated information sharing among agencies impacts negatively the ability of investigators and registrars alike to develop comprehensive plans to effectively prevent and detect birth certificate fraud.

When asked what the Federal government should do to help prevent birth certificate fraud, respondents were most likely to urge closer coordination and communication between Federal and State agencies, including developing nationwide information networks and sponsoring interagency meetings. A State registrar in the West summed it up: "The issue has national impact and therefore demands a cooperative effort between Federal and State Governments."

Inadequate Laws And Priority On "Big Bucks" Cases Hinders Prosecution

Effective sanctions against perpetrators of birth certificate fraud are hindered by laws viewed as inadequate and by resistance to prosecuting individuals who misuse birth certificates unless large sums of money are involved.

The historical inadequacy of Federal and State laws for charging individuals who are involved in birth certificate fraud was described in the FACFI report. As a result of its recommendations, Title 18 USC, Section 1028 was passed as part of the False Identification Crime Control Act of 1982 which closed some of the existing loopholes in Federal statutes. This new statute has been used successfully to prosecute and convict persons involved in birth certificate fraud. Overall, it is viewed as a positive step.

Two problems were noted with Section 1028. One investigator felt it was too limited because it does not make possession of a fraudulent State document, such as a birth certificate, an offense unless there is either a Federal document involved, evidence of defrauding the United States or the use of the mails. Another problem mentioned was the lack of publicity given to the availability and advantages of the statute.

Progress in obtaining new State legislation has been slow. A few States have passed statutes aimed at fraudulent identification and/or restricted access to vital records. A number of respondents, however, emphasized the lack of adequate laws in their own States.

In addition, there is a reluctance on the part of most prosecutors and some investigators to pursue individual perpetrators of birth certificate fraud. They are usually charged with the crime committed under a false identity, rather than with the birth certificate fraud itself. A low priority is typically given to crimes of obtaining false identity because, until subsequent criminal activities occur, few dollars are likely to be involved.

RECOMMENDATIONS

Since the production and issuance of legal birth certificates are clearly State and local functions, recommendations are directed to officials at the State level. It is hoped that the findings of this national inspection will encourage a concerted effort by State registrars to attain greater standardization of birth certificate forms (i.e., certified copies) and procedures, expanded use of safety paper, increased security of documents, stricter access and application procedures, and increased participation in national efforts to prevent birth certificate fraud. To be effective, such efforts must include both stricter issuance and more tamper-proof documents. Neither by itself is sufficient.

Such efforts by registrars will be most effective where they have the support of their Governors, their legislatures, and such national associations as the National Governors Association and the Association for Vital Records and Health Statistics.

It is recommended that State registrars, with the support of their Governors and the above groups as needed, should:

1. Standardize the form and content of birth certificates within their State, including the incorporation of document security features to protect birth documents against alteration and counterfeiting. Such document security should include the use of bank note-type safety paper with unique security characteristics, such as intaglio printing, high resolution borders, latent images, varying color tones, hidden errors, and latent "void" markings.
2. Promote greater intra-State standardization of birth certificate forms and issuance procedures, through State legislation if necessary, by reducing substantially the number of local issuing offices and/or by exercising greater control over local forms and procedures.
3. Establish minimum standards for the physical security of vital records, certified copy blanks, and seals against theft by providing secure storage, 24 hours a day, of blank forms and record files, and by a system of strict accountability for all certified copy blanks through prenumbering and other controls.
4. Urge legislatures to amend existing statutes, or pass new ones, to protect the privacy of individual vital records by restricting physical access to such records, and by strictly limiting applications for certified copies to those who have direct and tangible interest and can provide adequate identification.

5. Assure that their States participate fully in and help expand AVRHS' voluntary Interstate Vital Records Exchange System to include the sharing of death records for persons substantially beyond infancy for purposes of matching with birth records; and adopt a standard procedure for overlaying the word "Deceased" on original and certified copies of birth records of persons who have died.

6. Work cooperatively with the Social Security Administration in its pilot efforts to establish procedures whereby a parent can receive an infant's Social Security card at the time the infant's birth is registered, and in the long run help reduce the utility of a false birth certificate as a breeder document of a false identity.

APPENDIX A

BEST PRACTICES

The inspection team noted a number of State and local fraud prevention activities on the part of registrars and State user agencies which it considers to be best practices. They are described here so that other States and localities may consider adapting them. They include best practices with respect to centralization issuance, standardization of documents, security of paper, security of documents, secure issuing procedures, user agency staff training, and effective communication. They are not meant to be a complete listing of existing models even in States visited.

Centralization of Issuance

- While most State registrars allow their local offices to issue birth certificates, 16 States (Arkansas, Arizona, Delaware, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maryland, Missouri, Nebraska, Nevada, New Mexico, Tennessee, Wyoming, and Virginia) plus New York City and the District of Columbia, according to information available, either sharply curtailed local issuance or had no local offices. About 14 of these jurisdictions permitted issuance only by the State office, and another five limited local issuance to less than a handful of large local offices.
- Two States visited (Florida and Illinois) sent field representatives to monitor local offices at least once a year.

Standardization of Birth Documents

- Virginia, with no local offices issuing birth certificates, used several standardized State forms of certified copies throughout the State. New York City similarly issues standardized forms throughout its five boroughs.
- Three States (California, Vermont, and Washington) reported that State forms issued to local offices (free of charge in the latter two) were routinely used.

Security of Paper

- Of the seven visited States using some type of security, five (California, Illinois, Texas, Virginia, and Vermont) were using highly secure paper

including such features as intaglio printing, latent images, high resolution borders, and colored background designs.

- The city registrar in Detroit issued birth certificate copies on safety paper that was watermarked and would reveal the word "Void" if photocopied or treated with ink eradicator.

Secure Issuing Procedures

- In several State offices (e.g., Michigan and Washington), incidents of theft and fraud led to a separation of duties among staff responsible for processing and answering requests for copies. Such action precluded any one person from responsibility for all steps in the process.
- Following the lead of States like California, all but one of the visited States routinely matched birth and death records. Also, most marked "deceased" on the birth records which are then released with the "deceased" overlay, or are flagged for non-release.
- This increase in matching activity is due in part to the efforts of the AVRHS in promoting its Agreement for Administering the Interstate Vital Records Exchange System. These agreements signed by all State Registrars Offices, New York City, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and Canadian Provinces call for: (1) sending birth, death, and other records relating to non-residents to the State or Province where the individual usually resided; and (2) sending death certificates for infants under 1 year old to the State of birth.
- One factor cited to support national birth/death matches is the increasing computerization of State vital records. Of the 12 States surveyed, five issued computerized copies and five more had plans to do so.

User Agency Staff Training

- The outreach program established by the Bureau of Client Fraud Investigation in New York City has developed a training and awareness program for selected welfare staff.
- The Michigan Department of State has developed a pilot training document for staff in the Detroit area; and the Florida Division of Driver's Licenses had an aggressive program for its employees statewide. This training reportedly led to an increase in arrest rates.

- When training has been provided to workers in user agencies, it has often been with the cooperation of fraud investigators from their own and other agencies. The INS special agents, and passport fraud coordinators in particular, have joined with SSA Security Officers, HHS/OIG agents, welfare investigators and State and local registrars to provide such training.

Effective Communication

Where communication and collaboration does take place, it is often the result of informal networking among individuals-- investigators and registrars--who have developed working relationships. In Detroit, for example, the following joint activities were reported:

- City and suburban bank investigators met monthly together with State and local police, Secret Service, the Postal Inspector and others to discuss problems of fraudulent ID.
- The Detroit Office of the Secretary of State sent details of fraudulent driver's license requests to the bank investigators' group as well as to the State registrar. The banks, in turn, gave fraudulent driver's license numbers to the Secretary of State.
- The City registrar alerted the State registrar to fraudulent requests so they could tag the birth certificate in the State office. If there was a problem with mail requests, the City referred them to the Postal Inspector.
- According to the INS investigator, "If the passport office in Chicago has a case that appears to be an immigration case, they send it to us and we send them a copy of a finished report."

An example of effective coordination between a State registrar and passport agencies was observed in California as follows:

- In 1983, the California State registrar agreed to loan copies of birth and death records to the passport office in San Francisco. The project was so successful in expediting the verification of record authenticity that it was expanded to include the Los Angeles Passport Office. In 1985, the San Francisco office detected at least eight birth certificates for deceased individuals which were submitted with applications.

APPENDIX B

COMMENTS ON DRAFT REPORT AND OIG COMMENTS

The HHS comments on the draft report were received from the Administrator of Health Care Financing Administration, the Deputy Assistant Secretary for Health Operations of the Public Health Service and the Commissioner of Social Security. From outside HHS, they were received from the President of the Association for Vital Records and Health Statistics, and the Director of the Office of Consular Fraud Prevention Programs of the U.S. Department of State.

The Public Health Service commented that the use of the term "birth certificate" throughout the report made no clear distinction between original birth records and certified copies based on those records. Several technical comments were also made by PHS regarding the number of issuing jurisdictions, whether any States did not routinely match birth and death records, and which States curtail local office issuances of birth certificates.

The OIG response. A statement is added at the beginning of the report which clearly states that in the report we refer to certified copies as "birth certificates" as distinct from the original birth records or registration on which certified copies are based. We also checked each technical comment and made appropriate changes.

The AVRHS expressed concern about the lack of documentation of the scope of the fraud problem and suggested a stronger statement to help convince States of the need for change.

The OIG response. We added additional statements supporting the view that problems of false identification in general and of birth certificate fraud in particular are likely to be increasing as a result of the Immigration Reform and Control Act.

The AVRHS also pointed out that the National Center for Health Statistics is not in a position to match records since States do not provide NCHS with identifiers on birth records.

The OIG response. Reference to NCHS as a possible coordinating agency with regards to a national birth/death match is deleted. We also refer to an AVRHS survey of States' willingness to expand their interstate exchange of birth and death information to include deceased persons substantially beyond infancy.

The recommendation (#2) that States reduce the number of local issuing offices and/or exercise greater control over them, according to AVRHS, would require legislative action in many States.

The OIG response. This point is acknowledged in the recommendation.

The recommendation (#5) which calls for strengthening AVRHS' voluntary Interstate Vital Records Exchange, was viewed favorably by PHS. The agency noted, however, that the exchange would have to be expanded beyond infant deaths to be effective against fraud.

The OIG response. The wording was changed from "strengthen" to "expand...to include the sharing of death records for persons substantially beyond infancy."

The recommendation (#6) that States work cooperatively with SSA to establish procedures for issuing infants an SSN at the time of birth was the subject of two comments. An update on their pilot project was provided by SSA; and PHS did not see the relevance of the recommendation to birth certificate fraud.

The OIG response. Our description of SSA's pilot project in the findings was updated and its potential relevance to birth certificate fraud was indicated.

The Department of State and HCFA both suggested more specific recommendations. The HCFA, while acknowledging the limitations of the Federal role, suggested the report "include more definitive guidelines for actively coordinating efforts among the various parties...." The State Department offered two specific recommendations. The first is for State and local registrars to develop a set of criteria to be required on applications for birth certificate copies. The second is that "registrars should be furnished with a set of data which must be provided for documents to be acceptable for Federal purposes." Specific items were suggested.

The OIG response. Having carefully considered what Federal actions might be feasible and effective in coordinating efforts to reduce birth certificate fraud, it was concluded that States hold the key to stricter issuance and more tamper-proof documents. The OIG recommendations call for coordinated actions by registrars with the support of their Governors, the National Governors Association and AVRHS. Best practices in collaboration among public and private agencies are listed for others to consider. On the matter of application form criteria, we have referred to the Model Application Form prepared by FACFI which includes many items generally not included on State forms. Finally, we agree it would be useful as a long-range strategy to have Federal agencies agree on minimum information which they would require for birth certificates to be acceptable for Federal purposes. We felt, however, that other actions were more feasible at this time.