Immigrants - Driver's Licenses

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Summary

- **Immigrants are too often unable to obtain state driver's licenses.**
- **Granting immigrants the right to obtain licenses saves lives.**
- **Denying driver's licenses increases the likelihood of identity fraud.**
- **Denying driver's licenses is an ineffective means of enforcing immigration law.**
- **Denying driver's licenses is an ineffective tool for preventing terrorism or improving security.**
- **Law enforcement officials support providing driver's licenses to immigrants.**
- **States should adopt policies that allow all residents to obtain driver's licenses, regardless of their immigration status.**

Immigrants are too often unable to obtain state driver's licenses.

Federal law does not require states to deny driver's licenses to undocumented immigrants. However, states often require applicants to provide specific types of identification, such as Social Security numbers, and refuse to accept foreign-issued identity documents. As a result, many immigrants, including legal permanent residents, are unable to obtain driver's licenses.

Granting immigrants the right to obtain licenses saves lives.

Traffic accidents are the leading cause of death for persons aged six to 33, with over 40 thousand traffic fatalities each year. According to a study conducted by the AAA Foundation for Traffic Safety, unlicensed drivers are five times more likely to be in fatal crashes than drivers with valid licenses. Providing access to licenses ensures that drivers are trained, tested and can secure insurance. In addition, registering and photographing all drivers helps the state monitor driving records and better protect the safety of communities.

Denying driver's licenses increases the likelihood of identity fraud.

There is no question that states should use rigorous procedures to ensure the identity of a driver's license recipient. But those procedures should not exclude persons who *can* prove their identity, whether by consular identification, foreign passport, birth certificate, or other verifiable documents. Excluding verifiable documents creates conditions for false documents and false identities to flourish. New Jersey, New York, and Virginia, among other states, have been rocked by scandals involving corrupt issuance of hundreds of fraudulent documents to persons who were precluded from obtaining licenses legally.

Denying driver's licenses is an ineffective means of enforcing immigration law.

Driver's license restrictions have neither deterred immigration nor encouraged existing immigrants to return to their countries of origin. It is a policy without a purpose. In the meantime, states have a responsibility to protect the health and safety of all their residents.

Denying driver's licenses is an ineffective tool for preventing terrorism or improving security.

Proponents of restrictions on immigrants have linked driver's licenses to security concerns, by pointing out that many of the September 11 hijackers were able to obtain licenses. However, proposals that restrict immigrants' ability to obtain driver's licenses as a means to fight terrorism or to enhance security are red herrings. First, immigrant driver's license restrictions would not have prevented September 11. Most of the hijackers were in the United States lawfully and would have been able to secure licenses even with such a restriction. Second, to improve security, driver's license regulations should focus on ensuring the identity of the applicant. Providing access to a legitimate and secure means of identification for all drivers will help states prevent identification fraud.

Law enforcement officials support providing driver's licenses to immigrants.

In most states, law enforcement officials are part of coalitions supporting the elimination of restrictions on driver's licenses. They cite public safety, fraud prevention, and the desire to reduce courtroom congestion as reasons for their support. They also note that police officers are better able to protect communities with the cooperation of all residents, regardless of immigration status. For example, when some Tennessee policymakers suggested repealing the state law permitting driver's licenses for immigrants in the name of national security, the state Safety Department opposed the suggestion, pointing out that issuing licenses allows the state to clearly document its residents.

States should adopt policies that allow all residents to obtain driver's licenses, regardless of their immigration status.

The Immigrant Drivers Inclusion Act eliminates the state's "lawful presence" requirement and allows driver's license applicants who do not have a Social Security number (SSN) to submit alternative proof of identity, including a birth certificate or record of birth issued by a foreign country, a military identification, a passport, a license issued by another state or country, a consular identification document issued by the government of Mexico (matricula consular), or another document, specified by the Department of Motor Vehicles, that confirms the identity of the applicant.

Currently, 40 states allow some alternatives to the SSN. Motor vehicle administrations in 18 states (HI, IL, MI, MT, NE, NV, NH, NM, NY, NC, ND, OR, RI, TN, UT, VT, WA and WI) do not require driver's license applicants to be legal residents.

This policy summary relies in large part on information from the National Council of La Raza.

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For more information...

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www.stateaction.org

California Immigrant Welfare Collaborative
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Sacramento, CA 95814
916-448-6762
www.nilc.org/ciwc/ciwcindex.htm

National Council of La Raza
1111 19th Street NW, Suite 1000
Washington, DC 20036
202-785-1670
www.nclr.org

National Immigration Law Center
1101 14th Street NW, Suite 410
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www.nilc.org

Immigrant Drivers Inclusion Act

Summary: This Act allows immigrants to obtain driver's licenses by listing forms of identification that can be accepted in lieu of a Social Security number.

SECTION 1. SHORT TITLE

This Act shall be called the "Immigrant Drivers Inclusion Act."

SECTION 2. IMMIGRANT DRIVERS INCLUSION

After section XXX, the following new section XXX shall be inserted:

If the applicant for a driver's license does not have a Social Security number, the [Department of Motor Vehicles] is authorized to accept any of the following documents for identification purposes:

1. An Individual Tax Identification Number (ITIN) issued by the Internal Revenue Service.

2. A U.S. Social Security Administration letter (L-676) stating that the applicant is ineligible to obtain a Social Security number.

3. An alien registration receipt card, resident alien card, employment authorization card, temporary resident card or other authorized document from the Immigration and Naturalization Service (INS).

4. A passport, a federal identification card, or other verifiable certificate or document issued by a federal governmental agency other than the INS.

5. Military papers issued by the defense department of a foreign country.

6. Any type of generally recognized governmental registration document issued by a governmental agency of a foreign country, including a Mexican Matricula Consular.

7. An original birth certificate, or certified copy of a birth certificate issued by this or another state, or by another country, if accompanied by supportive documentation required by [Department of Motor Vehicles] rule.

8. Any other certificate or document issued by the government of a foreign country, if such certificate or document includes a photo of the person to whom the certificate or document has been issued.

9. Any other proof of identity satisfactory to the [Department of Motor Vehicles].

SECTION 3. REPEAL OF AUTHORIZED PRESENCE REQUIREMENT

Section XXX is repealed. [This section would repeal any provision requiring applicants to prove that their presence in the United States is authorized under federal law.]

SECTION 4. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.