



## **DRIVER'S LICENSE FACT SHEET**

### **NCLR Opposes Immigrant Restrictions to Driver's Licenses**

While NCLR is deeply concerned with national security and public safety, it believes that current proposals to restrict state-issued driver's licenses and identification documents are not effective means to combat terrorism. In fact, NCLR's position is that all communities' best interests are served by increased accessibility to identification documents. Furthermore, NCLR believes that driver's licenses should accurately and reliably identify individuals and should indicate an individual's authorization to operate a motor vehicle. However, driver's licenses should not be linked to an individual's immigration status. NCLR's analysis, as outlined below, suggests that restrictive driver's license proposals could result in negative consequences and inaccurate information that would do little to enhance national security.

#### **1. Driver's license restrictions are not effective.**

- **Restricting driver's licenses is an inefficient and ineffective measure to prevent terrorism.** Sophisticated terrorists with substantial financial resources are likely to have the ability to obtain driver's licenses and other documents when they find them necessary. Furthermore, press accounts since September 11 have called attention to the fact that the hijackers had obtained driver's licenses when, in fact, the terrorists did not need U.S.-issued driver's licenses to board the planes on September 11; they had foreign passports that allowed them to board airplanes. Because of the large number of tourists and other visitors who travel in the U.S., foreign passports are likely to continue to be acceptable forms of identification to board airplanes. Finally, restricting driver's licenses to immigrants does nothing to address the issue of domestic terrorist threats.
- **Restricting driver's licenses interferes with other law enforcement mechanisms.** Law enforcement officials point out that the current child support enforcement and criminal warrant tracking functions of driver's licenses are less useful if large proportions of the population are excluded from the driver's license databases.
- **Restricting driver's licenses does not accomplish immigration policy goals such as reducing undocumented employment or improper use of public benefits.** A driver's license only proves identity and ensures that the license holder has shown a

minimal level of competency to drive and understands U.S. traffic laws. Federal law requires all employees to complete an I-9 form, which requires both proof of identity and eligibility to work, so a driver's license alone is not enough. Furthermore, undocumented immigrants are ineligible for federal public benefits programs, and such programs require additional proof of eligibility, identity, and immigration status.

## **2. New driver's license restrictions have negative consequences for immigrants, citizens, and entire communities.**

- **Driver's license restrictions result in the denial of licenses to legal immigrants.** Many of the current proposals would also effectively deny driver's licenses to many people who are authorized to live in the United States but who do not have the required documentation for a variety of reasons. For example, persons who have been given temporary protected status due to civil conflict or natural disaster in their countries, or abused women who are in the process of petitioning for legal residency under the provisions of the Violence Against Women Act, or individuals whose visas have been approved but not processed would be denied driver's licenses even though they are lawfully present. Furthermore, refugees, asylees, and others who fled persecution without proper identification documents from their countries of birth would be denied driver's licenses. In some states, new proposals mean that naturalized citizens would be treated differently than native-born citizens and would be subject to onerous requirements, which is unfair and potentially unconstitutional.
- **Restricting driver's licenses results in unsafe roads, high insurance rates, and overwhelmed court systems.** Current proposals would result in more unlicensed drivers operating vehicles on U.S. roads. Currently, there are an estimated eight million undocumented immigrants in the United States, many of whom have to drive on U.S. roads in order to work, whether or not they have a driver's license. As a result of immigrant restrictions these drivers will not take driver's classes or pass driving tests, will not be able to get insurance, and may be more likely to flee the scene of an accident for fear of immigration consequences unrelated to the accident. Nationally, chances are approximately 14 in 100 that if an insured car occupant is injured in an accident, an uninsured motorist caused the accident.<sup>i</sup> These proposed measures are likely to increase those numbers. In addition, immigrant license restrictions result in numerous arrests for minor traffic violations, clogging the public courts and diverting the time of law enforcement officers which would be better spent protecting public safety.
- **DL restrictions negatively affect American families.** According to the Urban Institute, one in ten children in the U.S. lives in a "mixed-status family," in which at least one parent is a noncitizen and one child is a citizen. Four out of five children of immigrants were born in the U.S., and two out of three children in families with one or more undocumented parents are citizens.<sup>ii</sup> The impact of denying driver's licenses to immigrants reaches far beyond the undocumented community and even the immigrant community. Denying driver's licenses to immigrants negatively affects U.S. citizens and American families.

- **Restricting driver's licenses erodes community trust.** Rather than increasing security, driver's license restrictions result in a situation in which immigrants fear discrimination and being reported to the INS and therefore avoid contact with law enforcement; immigrants are unwilling to report crimes and assist local law enforcement in fighting criminal and terrorist activity. This decreases community trust and infringes upon efforts to fight crime and save lives. In most states, law enforcement officials are opposed to restrictions on driver's licenses, citing public safety, fraud prevention, battling corruption, and crime prevention.
- **Restricting driver's licenses results in the proliferation of false documents.** The production and sale of falsified documents are likely to increase if large numbers of immigrants are denied driver's licenses. Excluding individuals from legal driver's licenses creates conditions in which false documents and false identities will proliferate, meaning that we will have less accurate information about who is currently in the country.

### 3. **Driver's license restrictions result in abuse and discrimination.**

- **Driver's license restrictions result in discrimination and racial profiling.** Increased restrictions on immigrant driver's licenses are likely to result in racial profiling, vigilantism, and other forms of discrimination. When documents such as DLs are believed to be linked to immigration status, history has shown that Latinos and other ethnic minorities, as well as all people who look or sound "foreign," are the primary targets of document verification. For example, people believed to be "foreign" or who look like they might be "undocumented" because they fit a certain profile may be stopped solely to provide documents, an enforcement activity that clearly leads to racial profiling. And if new laws require driver's license issuing agencies to report "suspicious" individuals to the INS, the probability of abuse and discrimination will increase dramatically.
- **Driver's license restrictions result in civil rights violations.** Often, individuals who are asked to show documentation are U.S. citizens, and those suspected of being "undocumented" are legal immigrants, resulting in civil rights violations. Reports of discrimination and racial profiling have already been documented. Puerto Ricans, who are U.S. citizens, have been the targets of such discrimination and have been asked to show proof of citizenship, or even worse, their green cards. Naturalized citizens have also been asked to produce additional documentation. In several cases, the driver's licenses of naturalized citizens, U.S. citizens, refugees, and others have been confiscated when the individuals failed to present green cards or other proof of legal immigration status.
- **Driver's license restrictions result in vigilantism.** Another potential effect of the increasing anti-immigrant sentiment in the nation is vigilantism; that is, undue, and often illegal, enforcement of existing laws by ordinary citizens. In the aftermath of the terrorist attacks of September 11, incidents targeting persons perceived to be

immigrants have become all too common. Airlines and others have reportedly participated in racial profiling by asking members of particular ethnic and racial groups to provide documentation. If driver's licenses or other documents are linked (or perceived to be linked) to immigration status, it is likely that even more merchants, restaurant owners, and others will request documentation before services will be provided.

- **Discrimination and racial profiling make the country less safe.** Racial profiling undermines the ability of law enforcement to enforce the law effectively. When an innocent individual's ethnicity is used to establish a cause for suspicion of a crime, then that individual – along with family members, friends, and neighbors – may lose trust in the integrity of law enforcement. As a result, the public safety may be placed in jeopardy because members of these communities are likely to fear harassment and abuse by the police and are thus less likely to seek police help when they legitimately need it: to report a crime or suspicious behavior, serve as a witness, or otherwise cooperate with law enforcement. Racial profiling not only violates civil rights, it also diverts essential resources, undermines the ability of law enforcement to enforce the law effectively, and makes everyone less safe.

#### **4. New driver's license proposals do not guarantee accurate and reliable information.**

- **Immigrant restrictions to driver's licenses do not address the issue of false breeder documents.** The information on a driver's license is only as good as the information provided by the applicant. If individuals use false documents to obtain valid state-issued driver's licenses or ID cards, these proposals simply result in a false sense of security without addressing the real issue of identity fraud and theft.
- **Blanket information-sharing with the INS and SSA does not increase public safety.** Linking driver's license databases to the INS or the Social Security Administration to verify documents is likely to have harmful consequences. First, the accuracy and reliability of the databases are problematic. INS and SSA databases have been shown to have error rates approaching 20%.<sup>iii</sup> The INS database is not updated quickly enough to contain current immigration status for all persons. For example, according to the INS, no U.S. citizens naturalized prior to 1972 appear in INS databases at all. Such individuals would be routinely denied driver's licenses under these procedures. Finally, innocent mistakes, such as the misspelling of "unusual" names, transposing given names and surnames, and inconsistent entry of multiple surnames, disproportionately occur with ethnic minorities. If verification against INS data is used by driver's license agencies, it is inevitable that eligible persons will be denied driver's licenses because of inaccuracies in the databases. Sharing information with the INS and SSA does not lead to increased public safety. If immigrants do not apply for driver's licenses because they fear discrimination or that they will be reported to the INS or other law enforcement agencies, this results in

greater numbers of unlicensed and uninsured drivers and less contact between the community and the authorities. Consequently, the entire community is less safe.

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<sup>i</sup> Insurance Research Council, *Uninsured Motorists 2000 Edition*, Malvern, PA: Insurance Research Council, 2001.

<sup>ii</sup> Children of Immigrants Fact Sheet, The Urban Institute, December 2001.

<sup>iii</sup> See *Racing Toward "Big Brother: Computer Verification, National ID Cards, and Immigration Control*, Washington, DC: National Council of La Raza, 1995.