



DRIVER'S LICENSE FACT SHEET

Social Security Number Requirements

There are a variety of federal policies that have come to include Social Security Number (SSN) requirements. Though the number was explicitly intended only for the purpose of administering the Social Security program, the use of the SSN is ubiquitous; the SSN is used by both government and nongovernment entities for numerous purposes. Whether one is applying for a federal public benefit program or a credit card, the request for an SSN is almost certain. However, the original purpose of the SSN was far less expansive. Created under the federal Social Security Act, the SSN was originally designed to keep track of an individual's earnings and eligibility benefits. In 1996, two major pieces of federal legislation addressed the use of the SSN for the purposes of obtaining a state-issued DL: the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 ("Welfare Reform") and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996 ("Immigration Reform"). The result of these changes has been that, although not mandated by the federal government, many state DL agencies now require an SSN to apply for a DL, and anyone without an SSN is not able to obtain a DL in those states legally.

Section 656 (b) of IIRAIRA mandated that all state driver's licensing agencies must request the SSN of all DL applicants and place the SSN on the DL, resulting in the creation of a *de facto* national ID card. A coalition of various advocacy groups led by the states themselves vigorously opposed this provision on the grounds that it violated privacy rights, would lead to increased identity theft, and would result in increased discrimination against immigrants and certain ethnic groups. Due to the overwhelming opposition, the Section 656(b) mandate was repealed in October 1999.

However, PRWORA also contained a provision requesting that state DL agencies record the SSN of applicants for certain licenses and also that the SSN be recorded on certain court-issued and medical documents for the purpose of child support enforcement. Specifically, Section 466(a)(13)(A) directed SSNs be recorded on applications for professional licenses, commercial driver's licenses, occupational licenses, and marriage licenses.

Subsequent legislation was enacted eliminating the "commercial driver's license" specification and applying Section 466(a)(13)(A) to the issuance of **all** driver's licenses. State licensing agencies were given until October 1, 2000 to implement policies and procedures for Section 466 (a)(13)(A).

When Departments of Public Safety and Motor Vehicles began the process of implementing Section 466(a)(13)(A) agency staff and advocates requested an interpretation by the proper federal agency (in this case, the U.S. Department of Health and Human Services [DHHS] because the provision dealt with child support enforcement). When asked if Section 466(a)(13)(A) mandated the SSN as a condition for a driver's license, Commissioner David Gray Ross of the DHHS's Office of Child Support Enforcement offered this interpretation:

We interpret Section 466(a)(13)(A) to require that States have procedures which require an individual to furnish any social security number that he or she may have. [However,] Section 466(a)(13)(A) does not require that an individual have a social security number as a condition of receiving a license.*

Additionally, Commissioner Ross recommended that state licensing agencies require those applicants without an SSN to sign a sworn affidavit, under penalty of perjury, stating that they do not have a SSN nor are they eligible for an SSN.

Since the interpretation was issued to child support directors, and not driver's licensing agencies, it is possible that many state DL administrators were not aware of this interpretation. Whether state driver's licensing agencies were aware of the interpretation or not, Section 466(a)(13)(A) has been misapplied in numerous states. Many state DL administrators now require an SSN as a condition to apply for a driver's license. As a result of the SSN requirements, advocates in some states report that, in addition to undocumented immigrants, many noncitizens who are in the U.S. legally are not able to obtain DLs because they are ineligible for SSNs or have not yet been assigned one. Some noncitizens are in the U.S. legally, but their status does not permit them to work here legally and they do not have SSNs, which prevents them from obtaining a DL. Other immigrants are in the process of adjusting to legal status but have not yet received their SSN – they are also unable to obtain a DL.

* PIQ-99-05 July 14, 1999. The memo is available at <http://www.acf.dhhs.gov/programs/cse/pol/piq-9905.htm>