

Denying Driver's Licenses to Undocumented Immigrants: Unfortunate Campaign Issue Bad Public Policy

Denying driver's licenses to undocumented immigrants impedes public safety.

- **Restricting driver's licenses results in unsafe roads, high insurance rates, and overwhelmed court systems.** Denying licenses to undocumented immigrants results 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.¹ 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.
- **Denying driver's licenses to undocumented immigrants 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 sectors of the population are excluded from the driver's license databases.
- **Denying driver's licenses to undocumented immigrants is an inefficient and ineffective measure to prevent terrorism.** The driver's license is only one of a variety of identification documents which allow for entry onto airplanes and secure buildings; even when drivers licenses are restricted, potential terrorists have plenty of other options for valid ID. Though press accounts since 9/11 have called attention to the fact that the hijackers used driver's licenses (most of which were obtained legally since the terrorists were in the U.S. legally), they also had valid foreign passports that allowed them to board airplanes. Finally, denying driver's licenses to immigrants does nothing to address the issue of domestic terrorist threats.
- **Restricting driver's licenses erodes community trust.** Rather than increasing security, driver's license restrictions result in a situation in which immigrants fear being reported to immigration authorities 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.
- **Denying driver's licenses to undocumented immigrants 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. In addition, undocumented immigrants are ineligible for federal public benefits programs, and such programs require additional proof of eligibility, identity, and immigration status.

- **Denying driver's licenses to undocumented immigrants negatively affects 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.ⁱⁱ 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.

The Federal government has spoken on this issue.

- The Republican-controlled Congress of 2005 passed tough identification legislation which allows states to issue driver's licenses to undocumented immigrants. The **REAL ID Act**, which became law in May 2005 but has not been implemented yet, sets strict guidelines for how states issue driver's licenses. However, it **does** allow states to issue driver's licenses to undocumented immigrants. These driver's licenses will allow undocumented immigrants to be licensed and insured, but will not be good for purposes of federal identification. It is important that Congress recognized that states may choose to issue licenses to all drivers, regardless of immigration status.
- In other arenas, the federal government has recognized the importance of allowing immigrants to access basic services regardless of immigration status in order to improve public safety. For example, the **PATRIOT Act** recognized the benefit of permitting financial institutions to accept foreign-issued documents from immigrants who could not produce U.S. government-issued documents. The PATRIOT Act regulations allow financial institutions to accept a U.S. taxpayer identification number; a foreign passport; an alien identification card number; or any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard, such as the Mexican *matricula consular*. Accepting foreign IDs makes entire communities safer because they facilitate easier access to mainstream financial services, which deters crimes and predatory schemes against immigrants, who are more vulnerable not only because they are more likely to have a lot of cash on hand to pay for daily needs, but because they are the least likely of residents to report crimes to local police.
- The Department of the Treasury has also spoken in favor of providing identification documents to immigrants. The agency issues the **Individual Taxpayer Identification Number (ITIN)** which allows immigrants, regardless of their status, to file federal tax returns. Over a million taxpayers reported wages of almost \$7 billion and paid more than \$305 million to the IRS in 2001 using ITINs. More importantly, three-quarters of all ITINs issued were reflected in tax returns, prompting Nina Olson, the Taxpayer Advocate, to refer to the ITIN population as a "very compliant sector of the U.S. taxpayer population."ⁱⁱⁱ

ⁱ Insurance Research Council, *Uninsured Motorists 2000 Edition*, Malvern, PA: Insurance Research Council, 2001.

ⁱⁱ Children of Immigrants Fact Sheet, The Urban Institute, December 2001.

ⁱⁱⁱ *Testimony on Social Security Number and Individual Taxpayer Identification Number (ITIN) Mismatch and Misuse*, presented by Raul Yzaguirre, National Council of La Raza, to the House Committee on Ways and Means, Subcommittee on Oversight, Subcommittee on Social Security, U.S. House of Representatives, Washington, DC, March 24, 2004.