

## **Why the REAL ID Act's Driver's License Restrictions Are Really Anti-Immigrant**

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### ■ **What will the REAL ID Act's driver's license restrictions *really* do?**

- Repeal the federal driver's license standards that were signed into law by President Bush just last December as part of the 9/11 Commission antiterrorism law.
- Halt the process of consultation and rulemaking that has already begun under the 9/11 law.
- Substitute new top-down rules that will stifle state innovation on security measures.
- Make it impossible for many legal immigrants to get driver's licenses through no fault of their own.
- Raise insurance rates; increase traffic fatalities.
- Make us more vulnerable to terrorism and other crimes.
- Distract from urgently needed immigration reforms.

### ■ **How will the REAL ID Act prevent *legal* immigrants from getting driver's licenses?**

- Under the REAL ID Act, every state will have to require that driver's license applicants present proof of lawful immigration status. Now, only 24 states do so by statute (all but 11 others prevent undocumented immigrants from obtaining licenses by requiring documents that they cannot get).
- The REAL ID Act will make many categories of lawfully present immigrants ineligible for driver's licenses. These will include victims of trafficking or other crimes who have applied for a visa, immigrants who have been paroled into the U.S. (even if they have been authorized to work), people granted withholding of removal, people who have an order of supervision, and applicants for cancellation of removal.
- The REAL ID Act will prevent immigrants from using any foreign documents other than a passport to prove their identity, including their full legal name and date of birth.

### ■ **What's wrong with preventing the use of foreign documents other than passports?**

- Many immigrants who are lawfully present in the U.S. do not have a passport, including asylees and applicants for asylum, temporary protected status, or nonimmigrant visas.
- REAL ID will prevent states from giving any weight to other foreign documents, no matter how reliable or useful for proving identity or date of birth. Unusable foreign documents will include birth certificates, voter registration cards, records of service in armed forces, consular identity cards, and school IDs.



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■ **How will the workings of the immigration system prevent immigrants from getting licenses?**

- Our immigration system is disorderly, and not every legal immigrant has the same immigration document to prove status. Department of motor vehicles (DMV) employees, who are not immigration agents, will have to understand and apply complex immigration laws.
- Visas and immigration statuses can be proved by myriad documents and do not have simple expiration dates. In fact, it is relatively common for non-U.S. citizens who are lawfully present in the U.S. to have an expired immigration document (i.e., the fact that a person's document is expired is not necessarily proof that he or she is not lawfully present).
- The Dept. of Homeland Security (DHS) is behind on processing immigration applications and changes in or extensions of status. Many thousands of noncitizens thus face long delays in obtaining lawful immigration status or proof that their presence in the U.S. is lawful.
- License applicants' immigration status will have to be verified by the DHS. Often this cannot be done electronically. And the DHS does not have the resources or staffing to manually verify immigration status.
- Many immigrant license applicants will have to prove that their immigration status has been extended. Proof that an immigration application remains in limbo will be difficult to provide.

■ **Why will REAL ID's driver's license provisions make us less safe?**

- Since 9/11, states have been innovating with promising new security measures. By imposing a one-size-fits-all mandate, REAL ID will halt these innovations.
- The driver's license database is the number one law enforcement database. In the aftermath of 9/11, the fact that many of the terrorists had legal driver's licenses helped the FBI to track their movements and more quickly understand the conspiracy.
- By excluding large numbers of immigrants from the driver's license database, REAL ID will frustrate law enforcement efforts and encourage a black market in false documents (which is useful for terrorists and other criminals).
- The most unsafe immigration system is one that does not work — such as the one we currently have. In the words of the 9/11 Commission, security lies in an immigration system that “delivers on its promises.” Blind enforcement of a broken system is a recipe for misery and alienation.

■ **Why won't REAL ID's driver's license provisions solve our immigration problems?**

- Our current immigration levels are due to powerful global economic and historical trends, including a shrinking world, vastly increased trade, and advancing technology. These trends have significantly increased migration everywhere, not just into the U.S.
- No research suggests that availability of driver's licenses has any impact on immigration.
- All but 11 states already prevent undocumented immigrants from obtaining driver's licenses, but this has not slowed illegal immigration into those states.
- We badly need to reform our antiquated and dysfunctional immigration laws — a complete makeover to meet the needs of the 21<sup>st</sup> century. REAL ID does not begin to do this.
- Instead, the REAL ID Act panders to our fears and divides us from each other, making real reform even harder than before.

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