

The Driver's License Restrictions in the REAL ID Act: Questions & Answers

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

- Repeal the driver's license provisions passed just a few months ago in the Intelligence Reform Bill.
- Make us more — not less — vulnerable to terrorists and other criminals
- Change every state's driver's license rules and trample on states' rights to decide what makes their highways safer.
- Make it harder and slower for everyone to get a license.
- Keep many citizens and lawful residents from getting a driver's license.

■ **Who will be affected by these requirements?**

- Everyone. All driver's license applicants will have to prove identity, date of birth, citizenship or immigration status, Social Security number, legal name and physical residence.

■ **Don't the REAL ID Act's provisions just affect states that currently issue driver's licenses to undocumented drivers?**

- No. All states will be affected by the REAL ID's one-size-fits-all rules. The rules are so strict that no state currently complies. All states will have to change their driver's license rules.

■ **Will the new requirements make it harder and slower for citizens and lawful immigrants to get driver's licenses?**

- Yes. Just showing the state department of motor vehicles documents that prove the applicant's identity, date of birth, citizenship or immigration status, Social Security number, legal name and physical residence won't be enough. DMVs won't be able to issue a license until the agency that issued the documents verifies their authenticity.
- Birth certificates, documents that prove physical residence (such as leases, utility bills, bank statements, or telephone bills), court documents, Social Security cards, U.S. and foreign passports, and immigration documents will have to be verified by the agency that issued them.
- Instant or electronic or manual verification of the authenticity of all these documents is simply not feasible.



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- Denials, delays and repeated trips to the DMV will be the norm. Lines will be longer at DMVs as staff verify documents of citizens and immigrants alike and as drivers with temporary licenses have to renew their licenses more frequently.

■ **Are the states ready, willing and able to take on these new responsibilities?**

- No. The National Conference of State Legislatures calls the REAL ID's driver's license provisions unworkable. According to the NCSL, the "REAL ID Act threatens to handcuff State officials with impossible, untested mandates, such as requiring instant verification of birth certificates without providing the time or resources needed to bring 200 million-plus paper documents into the electronic age."¹
- The National Governor's Association and the American Association of Motor Vehicle Administrators opposes the REAL ID Act because it would "impose technological standards and verification procedures on states, many of which are beyond the current capacity of even the federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by states represents a massive unfunded federal mandate."²

■ **What will these changes cost, and who will pay for them?**

- The National Conference of State Legislatures estimates that REAL ID will cost states \$500 to \$750 million over 5 years, plus an annual ongoing cost of \$50 to \$75 million to operate. Federal reimbursement is highly unlikely.

■ **What happens if states can't comply with the new rules?**

- If states can't comply with the new rules, the driver's licenses they issue won't be accepted by the federal government as identification. That means drivers won't be able to use them as ID when they board a plane or train, rent a post office box or pick up a package, apply for a passport, or enter a courthouse.

■ **Does the REAL ID Act protect the confidentiality and security of personal information in state motor vehicle databases?**

- No. The REAL ID Act requires that states have electronic access to information contained in the motor vehicle databases of all other states, without any confidentiality or security protections whatsoever. That information could potentially be shared with Mexico and Canada under the Driver License Agreement created by the American Association of Motor Vehicle Administrators.

■ **Won't it be easy for DMV employees to check citizenship and immigration status?**

- No. Many U.S.-born citizens have birth certificates that are not electronically verifiable.
- Our immigration system is complex and disorderly. Not every legal immigrant has the same immigration document to prove status.

¹ www.ncsl.org/programs/press/2005/pr050208.htm.

² www.rightsworkinggroup.org/files/state.pdf.

- Visas and immigration statuses can be proved by a myriad of documents and do not have simple expiration dates. Many non-U.S. citizens are still lawfully in the country even though their immigration document may have expired.
- The Dept. of Homeland Security is hopelessly behind on processing immigration applications and changes in or extensions of status. Many noncitizens won't be able to obtain or prove lawful immigration status.

■ **Would the REAL ID Act have prevented the 9/11 terrorist acts?**

- No. All the hijackers who committed the attacks were in the United States lawfully when they were issued the driver's licenses they were found to have obtained.³

■ **Did the fact that the 9/11 terrorists had driver's licenses help track their movements in the U.S.?**

- Yes. State driver's license records provided critical information about where the hijackers had traveled and stayed in the U.S.
- Good antiterrorism work would have used the information from driver's licenses to find the terrorists before they acted instead of after.

■ **Will the REAL ID Act's driver's license rules make us safer?**

- No. In fact, they will make us less safe. Restricting immigrants from obtaining driver's licenses inevitably fuels the black market in documents, thereby making life easier for terrorists and harder for the rest of us. Such restrictions also take away a key law enforcement tool by excluding large numbers of residents from the most comprehensive government database of all, one that is constantly used to track down and capture criminals as well as terrorists.⁴

■ **Will the REAL ID Act solve our immigration problems?**

- No. It will make them worse. The most unsafe immigration system is one that does not work — like the one we currently have. In the words of the 9/11 Commission, security lies in an immigration system that “delivers on its promises.”
- Instead, we need real reform. We should address the underlying problem — that our immigration laws are seriously outdated. Our immigration system desperately needs a complete makeover to meet the needs of the 21st Century. The REAL ID Act is a step backwards.

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³ 9/11 Public Discourse Project, “Fact Sheet: Driver's Licenses, 9-11, and Intelligence Reform,” www.9-11pdp.org/press/2004-12-03_factsheet.pdf.

⁴ Margaret Stock, “Drivers Licenses and National Security: Myths and Reality,” *Bender's Immigration Bulletin*, March 1, 2005.