

Report of the Study Committee on Migrant Worker Access to Driver's Licenses and Non-Driver Identification Cards

Report to the House and Senate Committees on Transportation and on Agriculture
Pursuant to No. 95 of the Acts of 2012

January 15, 2013

Table of Contents

A. Summary of Recommendations	1
B. Background	1
C. Summary of Testimony and Written Submissions.....	2
D. Summary of Committee Findings and Recommendations	15
Appendix A: Act 95 of 2012.....	18
Appendix B: Senate Agriculture Committee Proposed Legislation	20
Appendix C: Vt. Code. R. 14-050-010	22
Appendix D: Accepted Documents for Proof of Residence	25
Appendix E: States That Accept Consular Cards	27
Appendix F: List of Migrant Workers Who Testified	28

A. Summary of Recommendations

As further addressed in Part D of this report, a majority of the study committee on migrant worker access to driver's licenses and non-driver identification cards (DLs/IDs) recommends that Vermont law be amended to expand eligibility for DLs/IDs to Vermont residents unable to meet current eligibility criteria under 23 V.S.A. § 603(d). The committee also recommends that new requirements be established for proof of identity and proof of residency that balance accessibility with mechanisms to deter fraud. A majority of the committee recommends that DLs/IDs issued to these residents be the same in appearance as DLs/IDs issued to residents able to establish lawful presence in the United States. However, on the date that the Secretary of the U.S. Department of Homeland Security (DHS) requires Vermont to fully comply with the REAL ID Act of 2005, noncompliant DLs/IDs should be made easily distinguishable from REAL ID-compliant DLs/IDs in accordance with the Act and DHS Regulations.¹

B. Background

Act 95 established a study committee to investigate migrant worker access to driver's licenses and non-driver identification cards, and charged the committee as follows:

(1) The committee shall review current procedures of the department of motor vehicles and may recommend legislation that would enable access to Vermont driver's licenses and non-driver identification cards for Vermont residents without Social Security numbers. The committee shall specifically consider the following:

(A) The statutory language proposed by the senate committee on agriculture amending 23 V.S.A. § 603 and creating a contingent repeal based on the implementation of the federal REAL ID Act.²

(B) The current licensing and identification framework and procedures utilized in other states.

(C) The comparative costs and benefits, including potential conflicts with federal law, of adopting one or more licensing and identification frameworks in Vermont.³

The committee consisted of:

Sen. Peg Flory, Chair, Senate Committee on Transportation
 Rep. Mollie Burke, House Committee on Transportation
 Robert Appel, Executive Director, Human Rights Commission
 Tim Buskey, Administrator, Vermont Farm Bureau

¹ As described in Section (C)(2) of this report, the REAL ID Act of 2005 authorizes states to issue DLs/IDs that do not satisfy the requirements of the Act, provided the DL/ID clearly states on its face that it may not be accepted for federal identification or official purposes, and uses a unique design or color indicator. Vermont law, 23 V.S.A. § 603(d), currently requires citizens of foreign countries to provide proof of legal presence, but this state law provision is not required under REAL ID.

² The full text of this proposed legislation is set forth in Appendix A.

³ The full text of Act 95 is set forth in Appendix B.

Keith Flynn, Commissioner of Public Safety
 Robert Ide, Commissioner of Motor Vehicles
 Brendan O'Neill, Migrant Justice/Justicia Migrante
 Robin Scheu, Executive Director, Addison County Economic Development Corporation
 Louise Waterman, Agriculture Resource Management Specialist, Vermont Agency of
 Agriculture, Food and Markets

The committee held four meetings at the state house, on August 8, 2012, October 3, 2012, October 26, 2012, and December 13, 2012. The committee will cease to exist on January 15, 2013.

C. Summary of Testimony and Written Submissions

Below is a summary of testimony heard by, and written submissions to, the committee, organized by topic or by source.

(1) Current Vermont law relating to foreign citizen eligibility for DLs/IDs; proof of identity; use of DLs/IDs

Legislative counsel and DMV officials testified that current Vermont law requires a citizen of a foreign country to provide proof of legal presence in the United States in order to obtain a driver's license, and that under current law a legally present foreign citizen may obtain a driver's license that expires at the end of his or her lawful stay.⁴ DMV has adopted a regulation, Vt. Code R. 14-050-010, which requires applicants for DLs/IDs to supply a Social Security number (SSN).⁵ DMV Director of Operations Michael Smith testified that as an alternative to providing an SSN, applicants may also provide a letter from the Social Security Administration office, stating that the applicant does not qualify for an SSN.

Under Vt. Code R. 14-050-010, DMV requires one primary and one secondary document for a license or ID applicant to prove identity, date, and place of birth.⁶ On its website, DMV also has published a nonexhaustive list of documents that may be used to prove residency.⁷ At the August 8 hearing, DMV officials testified that driver's licenses are used for many government and private business purposes other than establishing a person's qualification to drive.

⁴ 23 V.S.A. § 603(d) provides: "In addition to any other requirement of law or rule, a citizen of a foreign country shall produce his or her passport and visa, alien registration receipt card (green card), or other proof of legal presence for inspection and copying as a part of the application process for an operator license, junior operator license, or learner permit. Notwithstanding any other law or rule to the contrary, an operator license, junior operator license, or learner permit issued to a citizen of a foreign country shall expire coincidentally with his or her authorized duration of stay."

⁵ See Appendix C, Vt. Code R. 14-050-010 ("Application").

⁶ See Appendix C.

⁷ See Appendix D.

(2) Federal and international law

(a) REAL ID

Legislative counsel provided committee members an overview of the federal REAL ID Act of 2005 (“REAL ID law”) and implementing regulations,⁸ which were also addressed to varying degrees by many other persons who testified. The REAL ID law was enacted in May 2005, and it requires that states:

- print certain information on the face of DLs/IDs, and issue cards that store machine-readable data;
- collect and verify certain documents and information, including an identity document, proof of date of birth, Social Security number (or ineligibility for an SSN), name, and residence, prior to issuing a DL/ID;
- collect and verify documentary evidence of lawful presence in the United States for applicants who are not citizens;
- establish an effective procedure to verify a renewing applicant’s information;
- adopt measures regarding: the physical security of locations where DLs/IDs are produced and source materials are stored, employee security clearances, and employee fraud detection training;
- capture digital images of identity source documents;
- maintain a motor vehicle database containing data fields printed on the face of DLs/IDs as well as driver histories; and
- provide electronic access to other states of information in the motor vehicle database.

Under current law, after DHS decides to enforce the REAL ID law,⁹ a federal agency may not accept for “official purposes” a DL/ID issued by a state that DHS has determined is not in compliance with the REAL ID law.¹⁰ An “official purpose” is defined to include access to federal facilities, boarding federally regulated commercial aircraft, and entry into nuclear power plants.¹¹

⁸ See P.L. 109-13, §§ 201-207; 6 C.F.R. part 37; 76 Fed. Reg. 12269 (January 15, 2003 deadline).

⁹ On December 20, 2012, DHS issued a press release announcing that beginning on January 15, 2013, states not in compliance with REAL ID standards will receive a temporary deferment of enforcement, during which federal agencies will continue to accept state-issued DLs/IDs from noncomplying states for official purposes. Vermont is one of the states eligible for deferment. DHS stated that it expects to publish a schedule for phased-in enforcement by early fall 2013 and begin implementation at a suitable date thereafter. See <http://www.dhs.gov/news/2012/12/20/dhs-determines-13-states-meet-real-id-standards>.

¹⁰ See 6 C.F.R. §§ 37.51, 37.65. However, noncompliant DLs/IDs issued by compliant states prior to January 15, 2013, need not be replaced by that date. Instead, such licenses must be replaced by Dec. 1, 2014, for all persons born after Dec. 1, 1964, and Dec. 1, 2017, for all persons born on or before Dec. 1, 1964. See 6 C.F.R. § 37.5(b) and (c). The committee heard testimony from the ACLU that the January 15, 2013 REAL ID compliance deadline is unlikely to be enforced because about one-third of the U.S. population resides in states that will not meet the compliance deadline, whereas representatives from the Coalition for a Secure Driver’s License pointed to a lack of any official information that the compliance deadline will not be enforced. DMV officials testified that Vermont is on track to be REAL ID compliant by the January 15, 2013 deadline.

¹¹ 6 C.F.R. § 37.3.

However, according to the REAL ID law, a state may issue DLs/IDs that do not satisfy the above requirements and still be in compliance with the REAL ID law, provided the noncomplying DL/ID clearly states on its face that it may not be accepted for official purposes, and has a unique design or color indicator.¹²

Legislative counsel testified that the committee might recommend legislation requiring DMV to issue complying and noncomplying DLs/IDs consistent with REAL ID. This would be an alternative to the approach of the Senate Committee on Agriculture proposal, which included a contingent repeal of the bill upon the compliance deadline of the REAL ID law.¹³

(b) Foreign Citizen Driving Privileges; Explanation of International Driving Permit

Legislative counsel explained provisions that govern the eligibility of citizens of foreign countries to drive in Vermont.

The United States and approximately 115 other countries are parties or signatories to the 1949 United Nations Convention on Road Traffic (“Convention”). Under Article 24(1) of the Convention, a party country agrees to allow drivers “admitted to its territory” who hold a valid license issued by another party country to drive on its roads for at least one year “without further examination.”¹⁴ Under Article 24(2) of the Convention, a party country may, however, require that the driver admitted to its territory carry an international driving permit (“IDP”). As the U.S. Department of State explains, “An IDP functions as an official translation of a ... driver’s license into 10 foreign languages.”¹⁵ It does not confer a stand-alone license to drive.

Vermont motor vehicle law defines a “resident” as “any person living in the state who intends to make the state his or her principal place of domicile either permanently or for an indefinite number of years. Without limiting the class of nonresidents under the provisions of this subdivision, persons who live in the state for a particular purpose involving a defined period of time, including students, migrant workers employed in seasonal occupations and persons employed under a contract with a fixed term, are not residents for purposes of this title only...”¹⁶

Vermont motor vehicle law requires a Vermont “resident” who intends to operate a motor vehicle to obtain a Vermont license.¹⁷ The Vermont DMV has taken the position that a foreign

¹² P.L. 109-13, § 202(d)(11); 6 C.F.R. § 37.71. On August 8, 2012 an official from Washington state testified that the Department of Homeland Security is willing to accept noncomplying DL/IDs that are physically distinguishable and does not require that the noncomplying DL/ID state on its face that it is not accepted for official purposes, and provided the committee a link to a brief statement on DHS’s website to support this claim. See Q10 at <http://www.dhs.gov/secure-drivers-licenses>. However, in a November 7 conversation with legislative counsel, DHS official Randy Kaplan, who handles intergovernmental affairs, contradicted that assertion, and stated that noncomplying DLs/IDs must state on their face that they are not accepted for official purposes. Mr. Kaplan stated that the website language was only intended to refer to requirements for compliant DLs/IDs.

¹³ See Appendix B, Sec. 2.

¹⁴ See

http://treaties.un.org/Pages/ViewDetailsV.aspx?&src=TREATY&mtdsg_no=XI~B~1&chapter=11&Temp=mtdsg5&lang=en#1

¹⁵ See http://travel.state.gov/travel/tips/safety/safety_1179.html.

¹⁶ 23 V.S.A. § 4(30).

¹⁷ 23 V.S.A. § 601(a).

citizen who qualifies as a Vermont “resident” as defined above would be required to obtain a Vermont license in order to lawfully drive in the state. Thus, citizens of foreign countries (1) with a valid license (2) issued by a country that is party to the Convention who are (3) “admitted to” the United States and who are (4) not Vermont residents, have a right under the Convention to drive on Vermont roads without a Vermont license for at least one year.

Further, as noted above, 23 V.S.A. § 603(d) authorizes foreign citizens lawfully present in the United States to obtain a driver’s license that expires at the end of the person’s authorized duration of stay.

Many migrant workers in Vermont are ineligible to drive in Vermont under the Convention because they are Vermont residents or lack a valid license from their home countries.¹⁸ In addition, migrant workers who cannot prove lawful presence in the United States are ineligible for a foreign citizen license under 23 V.S.A. § 603(d).

(3) Experiences of other states

The committee heard testimony from officials of Washington and New Mexico, which issue driver’s licenses to residents who cannot prove lawful presence in the United States; of Utah, which issues a more limited “driving privilege card” that grants driving privileges but is not valid for identification purposes; and of Tennessee and Oregon, which formerly issued licenses or driving privileges to undocumented residents.¹⁹ Some of the state officials noted that decisions on access of such residents to DLs/IDs were affected by political considerations.

(a) New Mexico

Since 2002, New Mexico law has authorized alternative documentation as a substitute for furnishing a Social Security number in connection with a driver’s license or permit application.²⁰ The Secretary of the State Department of Taxation and Revenue must accept an individual taxpayer identification number as substitute for a Social Security number regardless of immigration status.²¹ The licenses issued under this authority are referred to as foreign national driver licenses, or FNDL. Mark Williams, Director of New Mexico’s Motor Vehicle Division, explained that one of the rationales for the law was to reduce the incentive to flee the scene of an accident, but he has no data on whether the law has had this effect.

Mr. Williams expressed concern that an effect of the law authorizing FNDLs has been to facilitate criminal fraud. He believes that once an individual obtains a New Mexico license, he or she can then surrender that license to obtain a license in another state. New Mexico’s governor has tried repeatedly but failed to have the law repealed.

¹⁸ In addition, they may not qualify under the Convention if they were not “admitted to” the territory of the United States.

¹⁹ The phrase “undocumented residents” is used in this report for convenience to mean “residents unable to establish lawful presence in the United States.” Use of the term “undocumented” is not intended to signify the possession or nonpossession of any particular documents.

²⁰ N.M.S. § 66-5-9.

²¹ N.M.S. § 66-5-9(B).

New Mexico driver's licenses can only be issued to residents. However, Mr. Williams provided data that he believes indicate widespread residence fraud, and noted a case where the Division's records showed that 100 applicants had listed the same apartment. To combat fraud, the state implemented an appointment system to issue licenses to foreign nationals, and doing so reduced the number of applications from 1,800–2,200 per month to 800–1,100 per month. However, Mr. Williams stated that the appointment system did not reduce another variety of residence fraud: people who come to New Mexico for a short period to obtain a license and then leave.

(b) Oregon

Prior to 2008, Oregon's DMV did not have authority to require an applicant for a DL/ID to establish legal presence in the United States. Since 2008, an Executive Order, and then a statute, has required that all applicants for DLs/IDs provide documentation of legal presence. Oregon's DMV Administrator Tom McClellan declined to provide testimony over the phone, but did answer questions through e-mail. He said that the Executive Order noted a concern that Oregon's permissive documentation requirements had made the state a magnet for persons unable to obtain a license in their own states.

Mr. McClellan noted several pluses and minuses of requiring proof of lawful presence. On the plus side, he noted a sharp decline in fraudulent document presentations, and that a more limited list of acceptable identity documents is easier to administer, harder to falsify, and verifiable. As a negative, he noted that some residents, especially the elderly, have difficulty providing proof of legal presence because of missing identity documents, and a loss of mobility for the population of undocumented residents. Mr. McClellan also provided a 2012 report required by House legislation that attempts to measure the incidence of unlicensed and uninsured drivers in Oregon. Data in the report show that the percent of unlicensed drivers declined during 2009–2011, and that the percent of uninsured drivers has increased, likely because of the poor economy.

(c) Tennessee

From 2004 to 2007, Tennessee authorized the issuance of a "certificate of driving" for persons unable to establish lawful presence in the United States which was required to state on its face a phrase substantially similar to "FOR DRIVING PURPOSES ONLY—NOT VALID FOR IDENTIFICATION." Wanda Adams, Assistant Director at the Driver Services Division, testified that the certificate of driving came into effect following a period starting in 2001 when Tennessee did not require proof of lawful presence. The certificate was issued for a one-year term and could be renewed for subsequent one-year terms. She believes that insurance companies were willing to underwrite auto liability policies for persons with certificates of driving.

Ms. Adams explained that one of the policies underlying the certificate of driving was to promote highway safety by encouraging persons not eligible for a license to come out of the shadows and have their vision, knowledge, and driving skills tested. Ms. Adams opined that the law was repealed in 2007 when the political climate changed, that the certificate of driving led to

an excess of fraudulent residence documents, and that the certificate of driving was becoming a de facto ID notwithstanding the disclaimer required by law. In response to questioning, Ms. Adams stated the certificate of driving was eliminated before any measures to combat fraud were implemented.

(d) Utah

Since 2005, Utah law has authorized the issuance of a “driving privilege card to a person whose privilege was obtained without providing evidence of lawful presence in the United States.”²² Driving privilege cards (DPCs) are distinguished from regular licenses by color or format and an indication on the face of the card that it is for driving privileges only and is not valid for identification. Since July 2011, every applicant for a DPC must submit fingerprints and a photograph, and the fingerprints are run through criminal databases.

The committee heard testimony from Chris Caras, Driver Services Bureau Chief, and Nanette Rolfe, Director of Utah’s Driver License Division. Mr. Caras stated that about 37,000–40,000 DPCs are issued annually (compare to about 500,000 regular licenses), and that there was a small decrease in the number of applicants after the July 2011 fingerprinting requirements came into effect. He is not aware of DPC holders being targeted by law enforcement because they possess a distinctive card, and testified that there are certain small populations lawfully present in the United States who might hold a DPC instead of a license, *e.g.*, for religious reasons or under a parolee immigration status.

Mr. Caras explained that during 1999–2005, Utah issued regular licenses to undocumented residents, but he believes the law changed to a DPC system because of political concerns that licenses were being used by such residents to obtain benefits.

(e) Washington

Washington State does not include a lawful presence requirement for the issuance of driver’s licenses or identification cards, and the Department of Licensing is authorized to accept identification that “clearly establishes the identity of the applicant.”²³

Washington State Department of Licensing officials Alan Height, Director, and Doron Maniece, Director of Driver Services, testified that about two years ago, the state saw a significant increase in the number of license applicants from states around the country. In response, the state instituted a policy requiring an enhanced residency review process for applicants who declare that they do not have an SSN. The state sends a follow-up letter to such applicants, and calls the applicant back to the office to provide further proof of residence. According to Director Height, this policy has dramatically reduced the number of applicants who declare that they do not have an SSN. The state issues REAL ID-compliant DLs/IDs as well as noncompliant DLs/IDs, and the latter is available to undocumented residents as well as those who elect not to obtain a REAL ID-compliant DL/ID for various reasons.

²² U.C.A. § 53-3-207(7)(a).

²³ R.C.W.A. § 46.20.035(3).

(4) Organizations

(a) Migrant Justice

At the August 8 meeting, Natalia Fajardo, Coordinator for Migrant Justice, testified that three banks in Vermont accept matricula consular cards as a form of identification to open an account. When questioned as to whether Migrant Justice does outreach to banks to educate them about matricula consular cards, Ms. Fajardo noted that the organization already is stretched in terms of the breadth of its mission, and that a preferred solution would be to allow undocumented residents to obtain state-issued identification that banks would be more familiar with. Ms. Fajardo also translated the testimony of numerous migrant farm workers, as summarized in section (7) below.

At the October 26 meeting of the committee, Migrant Justice circulated a draft proposed bill dated “10/26/12” that would eliminate the lawful presence requirement for issuance of driver’s licenses. The bill proposed a list of documents that residents unable to prove lawful presence could provide to establish identity, and provided that four such documents would be required. Migrant Justice suggested that a passport, regardless of a record of arrival or departure, is an internationally recognized, secure, valid, and verifiable means to prove identity. The bill also included a list of documents to prove residency, and a contingent provision that would establish physically distinguishable DLs for REAL ID-compliant and -noncompliant DLs upon the date when DHS requires Vermont to be in full compliance with the REAL ID Act.

(b) Vermont Bankers Association

Chris D’Elia, President of the Vermont Bankers Association, testified on October 3 and submitted a written memorandum dated October 15 in response to questions raised by committee members. He started his testimony by noting that his main concern is to avoid unintended consequences to banks and their customers that might result if laws governing the issuance of DLs/IDs are changed. Sec. 326 of the USA PATRIOT Act requires financial institutions to implement “reasonable procedures” for verifying the identity of a person seeking to open an account and maintaining records of information used to verify a person’s identity, including name, address, and other identifying information.²⁴ The federal regulations implementing this provision require banks to implement a written Customer Identification Program (CIP) that includes “risk-based procedures for verifying the identity of each customer to the extent reasonable and practicable” and that “enable a bank to form a reasonable belief that it knows the true identity of each customer.”²⁵

Mr. D’Elia testified that current Vermont DLs/IDs enable a bank to form a reasonable belief as to a customer’s identity. However, if the law governing Vermont licenses and identifications is changed so as to weaken identity documentation and verification procedures, banks might no longer be able to rely upon Vermont DLs/IDs to verify customer identities. If this eventuality unfolded, all banking customers might be affected.

²⁴ 31 U.S.C. § 5318(l)(2).

²⁵ 31 C.F.R. § 1020.220(a).

Mr. D'Elia recommended avoiding these risks by creating a driving privilege card (akin to Utah's) which states on its face that it may not be used for identification purposes. When asked by a committee member, Mr. D'Elia noted that he would need to see a specific legislative proposal to evaluate the risks described above. He also noted that banks are not required to verify their customers' lawful presence in the United States.

(c) Coalition for a Secure Driver's License (CSDL)

CSDL is a nonprofit organization formed in 2001 and based in Washington D.C. CSDL President D. Brian Zimmer submitted a letter on August 8, 2012, and CSDL analyst Andrew Meehan attended the committee's October 3 and October 26 meetings, giving a presentation at the former and offering comments at the latter. In addition, on November 16, CSDL sent the committee a survey of foreign-issued documents accepted in select states and a list of identity documents and licenses other than passports issued by governments of Mexico and Central America that CSDL views as equivalent in counterfeit resistance and in issuance criteria as IDs issued by U.S. states. Finally, CSDL circulated an August 2004 Government Accountability Office Report which notes that identity verification procedures for Mexican consular identification cards had improved, but still had a weak link in that consular officials rely on visual verification of some documents, including birth certificates, that the FBI says may be obtained fraudulently.²⁶

In the August 8 letter, Mr. Zimmer noted that providing DLs/IDs to undocumented residents would open Vermont to new risks, including criminal fraud. He cited identity and criminal fraud issues in Tennessee, Oregon, Maryland, Washington, and New Mexico. He also cited Utah as the state most successful in avoiding these issues through its driving privilege card program. He recommended that Vermont:

- consider requiring a fingerprint and criminal history check of DL/ID applicants unable to establish lawful presence in the United States to help prevent fraud;
- avoid any conflict with the REAL ID Act;
- weigh administrative costs and complexity for frontline DMV staff;
- limit the duration of any driving privilege card to one year to align with the REAL ID provisions for noncitizens whose authorized duration of stay is unknown and the generally short stay of migrant workers;
- maintain adequate DL/ID issuance standards as required under the Driver's License Compact, so other states continue to view the Vermont DL/ID as reliable.

During his October 3 presentation, Mr. Meehan critiqued the Senate Agriculture committee draft bill²⁷ for allowing acceptance of Mexican and Guatemalan matricula consular cards, and giving DMV discretion to decide whether other countries' documents are sufficiently secure. The presentation also outlined best practices for issuing DLs/IDs. Additionally, in response to questions by committee members, CSDL representatives affirmed that passports are a relatively verifiable and reliable document for proof of identity within a licensing framework.

²⁶ See GAO-04-881, "Consular Identification Cards Accepted within United States, but Consistent Federal Guidance Needed," available at <http://www.gao.gov/assets/250/243801.pdf>.

²⁷ See Appendix B.

(d) National Economic and Social Rights Initiative (NESRI)

NESRI representatives testified at the October 3 meeting and provided written testimony in an October 3 letter. The letter noted the lack of federal law impediments to Vermont's issuing DLs/IDs to undocumented residents, and that even if the REAL ID Act goes into effect, Vermont can comply with the law while issuing noncompliant and compliant DLs/IDs. However, NESRI urged Vermont to avoid any indication of immigration status to be included on a noncompliant DL/ID.

The October 3 letter recommended that Vermont consider:

- allowing individuals to use an individual tax identification number (ITIN) in lieu of an SSN;
- expanding the list of accepted identity documents to include foreign drivers' licenses, voter identification cards, consular identification documents, certified foreign birth certificates (with translation), and foreign passports even without visa stamps;
- authorizing the Commissioner of DMV to update the list of accepted identity documents after evaluating their integrity;
- expanding the list of residency documents, along the lines of what Oregon does; and
- combating fraud through:
 - increased training for DMV employees;
 - requiring additional reliable residency documents for undocumented residents; and
 - incorporating best practices from New Mexico and Washington related to verifying residency of noncitizens.

During testimony, NESRI representatives noted downsides to driving privilege cards: the fact that they are physically distinct signals that the holder likely is an undocumented resident; they can only be used for driving, and not as proof of identity; and they would be more expensive to administer and issue than regular licenses because their unique status would require different procedures.

Finally, in connection with its October 3 letter, NESRI sent a working draft of a 50-state and District of Columbia survey of state requirements for documents to establish identity, residency, and Social Security number, as well as a working draft of a list of countries offering consular identification cards and the requirements to obtain them.

(e) American Civil Liberties Union of Vermont (ACLU-Vermont)

Dan Barrett, staff attorney for ACLU-Vermont, testified on October 3. He noted that federal law presents no impediment to issuing DLs/IDs to undocumented residents, and opined that the compliance deadline of the REAL ID Act is unlikely to come into effect because of widespread

opposition by states.²⁸ He expressed concern that a driving privilege card likely to be obtained almost entirely by residents unable to prove lawful status in the United States would create a two-tiered system that would distinguish its holders as different from holders of regular licenses and create unintended consequences, such as exposing cardholders to discrimination and employers to risks associated with constructive knowledge.

(f) American Association of Motor Vehicle Administrators (AAMVA)

AAMVA representatives testified at the October 26 meeting. They noted the brief experience of Tennessee with its certificate of driving, and said that the state had difficulty verifying the identity of applicants. If Vermont decides to issue driving privileges to undocumented residents, the AAMVA representatives cautioned that the state should carefully verify the identities of documents so that driving privilege holders remain responsible for their driving records, and require reliable source documents to prevent fraud. In response to questioning, they noted that there is no universal mechanism for exchanging driving histories among foreign countries,²⁹ and that each state has its own standards with regard to accepting another state's license as an identity document. The stricter states do not accept licenses from other states as a source document to establish identity.

After the October 26 meeting, AAMVA representatives forwarded a 50-state compilation of accepted identity and proof of lawful status documents.

(5) Secretary of State–Elections

Kathy Scheele, Director of Elections and Campaign Finance at the Office of the Secretary of State, testified at the October 3 meeting and subsequently responded via e-mail to follow-up questions.

Ms. Scheele testified that under the Help America Vote Act of 2002, every person applying to register to vote must provide a license or personal identification number (PID). If a license or PID number is unavailable, then a person must supply an SSN. If an SSN cannot be supplied, a unique identification number can be assigned. Under Vermont law, an applicant to register to vote must swear under penalty of perjury that he or she is a U.S. citizen. 17 V.S.A. §§ 2121, 2145.

Ms. Scheele requested that if Vermont issues a DL/ID to undocumented residents, a signifier such as “NC” (for noncitizen) be included in the DL/ID number. She stated that this would assist municipal clerks in identifying persons who are not eligible to vote. During the committee hearing, she learned that Vermont DLs already are issued to lawfully present noncitizens, and that their licenses include no such signifier to assist town clerks. However, even with this clarification, she still urged that a signifier for all noncitizens on DLs/IDs could improve the voter registration process going forward.

²⁸ When Mr. Barrett testified, the REAL ID compliance deadline was January 15, 2013. As noted in Section (C)(2) above, DHS announced on December 20, 2012 that it would defer enforcement of the deadline until at least the fall of 2013.

²⁹ A committee member noted that Vermont exchanges driving history information with Quebec.

(6) Insurance

At the October 26 meeting and in an October 25 e-mail, the committee heard from James Mullen, President of the Mullen Insurance Agency. Kevin Gaffney of the Department of Financial Regulation also testified at the October 26 meeting. The committee had expressed interest at its October 3 meeting in learning whether:

- residents issued a DL/ID or driving privilege card would have difficulty obtaining auto insurance
- farm general liability policy coverage would extend to occurrences involving undocumented employees who operate farm equipment

Mr. Gaffney noted that insurance companies rely upon driver license history checks as part of the underwriting process. The longer a person's driving history an insurance company can check, the more information the insurance carrier has with which to make an informed underwriting decision. As a result, foreign citizens obtaining insurance whose prior driving histories are unavailable typically are subject to an inexperienced operator surcharge, because their risk profile is unknown. Mr. Gaffney is not aware of any impediment to insurers issuing policies to such residents who are licensed.

Mr. Mullen stated by e-mail and in testimony that a farm general liability policy would provide coverage for an occurrence involving an unlicensed, undocumented employee operating a motor vehicle not required to be registered, unless there was clear evidence of fraud material to the loss.³⁰ Generally, failure of a farmer to list a driver in policy documents would not be a valid reason to deny a claim involving that driver. However, if a claim was made for an occurrence involving the unlisted driver, prior to any renewal of the policy, the carrier likely would require documentation of all drivers under the policy and their licensed status. Mr. Mullen noted that International Driver Permits are not acceptable by standard carriers, although coverage would be available from High Risk Carriers. He also commented that Vermont insurers had no experience with driving privilege cards, but speculated that carriers likely would evaluate driving privilege card holders according to their driving histories and price policies accordingly.

(7) Migrant workers³¹

At its four meetings, the committee heard testimony from numerous migrant workers about living in Vermont without access to driver's licenses or identification cards. They described difficulty buying groceries, going to doctors, going to church, visiting friends, and a feeling of isolation. Many described the embarrassment of needing to rely on busy employers to provide rides. Others emphasized the hard work they do on Vermont farms and stated that they directly contribute to the state's economy and to producing the local food that residents enjoy, and that access to DLs/IDs is a basic issue of fairness and human dignity. One person mentioned an inability to get a cell phone because he lacked an identification card, and that it would be good to

³⁰ Mr. Mullen explained that a business automobile liability policy would be required to cover vehicles that should be registered.

³¹ A list of names of migrant workers who testified is set forth in Appendix F.

have identification if stopped by police. Another mentioned that although most employers have good relationships with their employees, some cases have arisen where workers have endured unnecessary hardships when unable to leave an employment situation due to lack of access to a DL. Asked if identification was important for any other purpose, a migrant worker stated that it would be useful for opening a bank account.

Committee members also asked a migrant worker about the process for obtaining a matricula consular card and a Mexican national ID card, about the general age of migrant workers in Vermont, and whether they had obtained DLs in their home countries.

(8) Farmers and other Vermont residents

At the October 3 meeting, the committee heard from several Vermont farmers who employ migrant workers, all of whom spoke in support of issuing DLs/IDs to their migrant workers. All commented on the strong work ethic of migrant workers and the invaluable service that they provide; some stated that they might not be able to run their farms without them. The farmers noted that they must take time out of their already long work days to drive migrant workers—which they feel it is their responsibility to do, since these workers otherwise lack access to transportation—to buy groceries, go the doctor, etc. One farmer emphasized the importance of avoiding constructive knowledge of their workers' immigration status, and that for this reason, he would be concerned if a DL/ID for an undocumented resident was physically distinguishable from a DL/ID issued to a resident who could prove lawful status.

In response to committee member questions, the farmers described varying methods of assisting migrant employees in cashing paychecks. The migrant employees did not have bank accounts, and two farmers stated that their banks had never suggested that the migrant employees open their own bank accounts. A farmer questioned about paying taxes responded that she fulfilled paperwork and tax obligations for migrant workers as she would for a U.S. citizen employee.

Between the August 8, October 3, and December 13 meetings, a total of nine other Vermont residents also testified in support of issuing DLs/IDs to migrant farm workers in Vermont.

(9) Consular cards

Consular identification cards (CIDs), referred to by some countries as matricula consular cards, are issued by some governments as forms of identification for their citizens living in foreign countries. The cards do not certify legal residence, and thus holders may be lawfully present or not lawfully present in the country where the card is issued.

A representative of the Coalition for a Secure Driver's License stated that Mexican consular *officials* have insufficient procedures for verifying Mexican birth certificates, creating a weak link undermining the reliability of matricula consular cards, and that the FBI had testified before a congressional committee that matricula consular cards are not reliable forms of identification. As noted above, CSDL circulated a 2004 report of the Government Accountability Office

regarding the acceptance by federal agencies of CIDs.³² The GAO report noted that federal agencies “hold different and, in some cases, conflicting views on the usage and acceptance of CID cards, and no executive branch guidance is yet available.” In addition, the Assistant Director of Tennessee’s Driver Services Division provided committee members a 2003 AAMVA Board of Directors Resolution stating that member jurisdictions had expressed concerns about CID issuance procedures, security features, and verification practices, and that “it is premature to recommend the use” of CIDs. On November 1, AAMVA representative Cian Cashin noted that AAMVA did not have more recent information related to these concerns.

However, the National Economic & Social Rights Initiative stated in its October 3 letter that the literature questioning the security of CIDs is based on dated evidence and “fails to take into account increasing security and fraud-protection features. CIDs are already used in other contexts including banking and law enforcement identification.” At the October 26 meeting, a migrant worker circulated his matricula consular card, and explained the documentation he needed to provide in order to obtain it.

At the request of the committee, legislative counsel compiled a list of states that rely upon consular identification cards for proof of identity or residence. The list is reproduced in Appendix E.

Committee members attempted to schedule Ioana Navarrete-Pellicer, Consul at the Consulate General of Mexico in Boston, to discuss the security features and issuance standards for Mexican matricula consular cards. Ms. Navarrete-Pellicer declined to testify because of diplomatic concerns, *i.e.*, the risk of creating the perception that her office, by testifying before a state committee, was trying to influence state policy. However, she e-mailed the committee a list of documents accepted by consular officials to establish identity and residence.

Colonel L’Esperance of the Vermont State Police testified that he heard a presentation by a representative of the Consulate General of Mexico in Boston on the security features of, and process for issuing, Mexican matricula consular cards, and that he had more confidence in the card after the presentation. He explained that law enforcement officers prefer that drivers and witnesses have identification cards, so that they can be tracked down for follow-up questions if necessary, and that state police officers may rely on matricula consular cards as a form of ID.

(10) Individual Tax Identification Numbers

Legislative counsel provided committee members a description of the jurisdictions that currently issue licenses, or driving privileges, to residents unable to establish lawful presence in the United States: New Mexico, Utah, and Washington. New Mexico accepts Individual Tax Identification Numbers (ITIN) as proof of identification number (which is required in addition to proof of identity and of residency), and Utah requires applicants for driving privilege cards to provide an ITIN. Washington state’s current list of accepted documents does not address ITINs.

According to guidance provided by the Internal Revenue Service:³³

³² See Government Accountability Office Report 04-881, n. 21.

³³ See <http://www.irs.gov/Individuals/General-ITIN-Information>.

IRS issues ITINs to individuals who are required to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain a Social Security Number (SSN) from the Social Security Administration (SSA).

ITINs are issued regardless of immigration status because both resident and nonresident aliens may have a U.S. filing or reporting requirement under the Internal Revenue Code.

Individuals must have a filing requirement and file a valid federal income tax return to receive an ITIN, unless they meet an exception.

* * *

ITINs are for federal tax reporting only, and are not intended to serve any other purpose. IRS issues ITINs to help individuals comply with the U.S. tax laws, and to provide a means to efficiently process and account for tax returns and payments for those not eligible for Social Security Numbers (SSNs). An ITIN does not authorize work in the U.S. or provide eligibility for Social Security benefits or the Earned Income Tax Credit.

* * *

D. Summary of Committee Findings and Recommendations

The members of the study committee unanimously find:

(1) The current federal immigration system authorizes visas for some seasonal workers, but provides inadequate means for year-round dairy and other workers to be lawfully present in the United States. Comprehensive federal immigration reform is needed.

(2) Migrant workers in Vermont, regardless of their lawful presence in the United States, provide a valuable service to the state and contribute to its economy.

(3) In Act 95 of 2012, the Vermont General Assembly found that:

[M]igrant workers in Vermont face significant challenges based on their current inability to apply for Vermont driver's licenses and non-driver identification cards, including the inability to travel and access services, medical care, and purchase basic necessities, to officially identify themselves or be identified, and to fulfill typical responsibilities of their employment that require them to legally drive.

(4) Workers in Vermont unable to meet current eligibility criteria under 23 V.S.A. § 603(d) often depend on employers for transportation in order to satisfy fundamental needs for food, housing, health care, and access to community life. This dependency is extremely challenging for the workers and their employers.

(5) Enabling all Vermont residents to identify themselves and to be identified with a familiar document would facilitate the work of law enforcement officers and promote public safety.

(6) Authorizing Vermont residents unable to establish lawful presence in the United States to obtain DLs/IDs will encourage their participation in community life, promote positive relationships and diversity within our community, and stimulate economic development.

(7) Authorizing such residents to obtain DLs would promote public safety by providing a legal pathway to fulfill the requirements for obtaining a license in Vermont, which would include passing a written examination and a road test. Those who fulfill the requirements for obtaining a DL in Vermont would gain exposure to Vermont motor vehicle laws and Vermont road conditions.

A majority of the members of the study committee recommend:³⁴

(1) Vermont law should be amended to authorize the issuance of DLs/IDs to Vermont residents unable to meet current eligibility criteria under 23 V.S.A. § 603(d) (“noncompliant DLs/IDs”).³⁵

(2) New requirements should be established for proof of identity and proof of residency that balance accessibility with mechanisms to deter fraud. The existing list of documents accepted to prove identity needs to be enlarged to include secure and verifiable documents accessible to Vermont residents unable to meet current eligibility criteria under 23 V.S.A. § 603(d). Procedures for issuing noncompliant DLs/IDs could be based on procedures used in other states, including requiring (i) a 30-day waiting period after application materials are submitted before a DL/ID is mailed to a Vermont address, assuming the other criteria for obtaining a DL/ID are met, and (ii) that noncompliant DLs/IDs must expire after a shorter period than regular licenses, *e.g.*, two years from the licensee’s birthday.

(3) Those applicants for DLs/IDs who are unable to meet current eligibility criteria under 23 V.S.A. § 603(d) might be required to produce a valid passport in order to prove identity. A valid passport should be accepted without regard to lawful entry or departure. Additional documents could be required for proof of identity beyond the documents required for applicants able to establish lawful presence in the United States.

(4) The General Assembly consider, or the Department of Motor Vehicles be required to consider, requiring DL/ID applicants unable to meet current eligibility criteria under 23 V.S.A. § 603(d) to furnish additional documents to establish residency, and expanding the current list of documents accepted to prove residency.

(5) Noncompliant DLs/IDs should be equal in appearance to DLs/IDs available to Vermont residents able to establish lawful presence in the United States. However, upon the date that the Secretary of the U.S. Department of Homeland Security (DHS) requires Vermont to be in full

³⁴ Sen. Peg Flory, committee chair, does not concur with recommendations 1–5, but supports the concept of extending driving privileges to persons unable to establish lawful presence in the United States but who otherwise demonstrate eligibility for an operator’s license, provided that any driving privilege card state clearly on its face that it is not to be used for identification purposes.

³⁵ The phrase “noncompliant DLs/IDs” refers to DLs/IDs that do not comply with the federal REAL ID act. A REAL ID-compliant DL/ID may only be issued to a resident able to establish lawful presence in the United States.

compliance with the REAL ID Act of 2005, noncompliant DLs/IDs should be made to be easily distinguishable from REAL ID-compliant DLs/IDs in accordance with the Act and DHS regulations.

Appendix A: Act 95 of 2012

No. 95. An act relating to a study on access to driving privileges in Vermont.

(S.238)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. STUDY COMMITTEE ON MIGRANT WORKER ACCESS TO DRIVER'S LICENSES AND NON-DRIVER IDENTIFICATION CARDS

(a) Findings. The general assembly finds that migrant workers in Vermont face significant challenges based on their current inability to apply for Vermont driver's licenses and non-driver identification cards, including the inability to travel and access services, medical care, and purchase basic necessities, to officially identify themselves or be identified, and to fulfill typical responsibilities of their employment that require them to legally drive.

(b) Creation of committee; composition. There is created a study committee on migrant worker access to driver's licenses and non-driver identification cards, composed of the following members:

(1) One member of the senate, who shall serve as chair, appointed by the senate committee on committees.

(2) One member of the house of representatives appointed by the speaker.

(3) The commissioner of motor vehicles or designee.

(4) The secretary of agriculture, food and markets or designee.

(5) The commissioner of public safety or designee.

(6) One member appointed by Migrant Justice.

(7) One member appointed by the Vermont human rights commission.

(8) One member appointed by the Addison County Economic Development Corporation.

(9) One member appointed by the Vermont Farm Bureau.

(c) Powers and duties.

(1) The committee shall review current procedures of the department of motor vehicles and may recommend legislation that would enable access to Vermont driver's licenses and non-driver identification cards for Vermont residents without Social Security numbers. The committee shall specifically consider the following:

(A) The statutory language proposed by the senate committee on agriculture amending 23 V.S.A. § 603 and creating a contingent repeal based on the implementation of the federal REAL ID Act.

(B) The current licensing and identification framework and procedures utilized in other states.

(C) The comparative costs and benefits, including potential conflicts with federal law, of adopting one or more licensing and identification frameworks in Vermont.

(2) On or before January 15, 2013, the committee shall submit a report of its findings and recommendations to the house and senate committees on transportation and on agriculture.

(d) Number of meetings; term of committee; reimbursement. The committee may meet no more than four times, and shall cease to exist on January 15, 2013.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Approved: May 1, 2012

Appendix B: Senate Agriculture Committee Proposed Legislation

TO THE HONORABLE SENATE:

The Committee on Agriculture to which was referred Senate Bill No. 238 entitled “An act relating to establishing the Vermont farm guest worker program” respectfully reports that it has considered the same and recommends that the bill be amended by striking all after the enacting clause and inserting in lieu thereof:

Sec. 1. 23 V.S.A. § 603 is amended to read:

§ 603. APPLICATION FOR AND ISSUANCE OF LICENSE

* * *

(d) In addition to any other requirement of law or rule, a citizen of a foreign country shall produce his or her passport and visa, alien registration receipt card (green card), or other proof of legal presence for inspection and copying as a part of the application process for an operator license, junior operator license, or learner permit. Notwithstanding any other law or rule to the contrary, an operator license, junior operator license, or learner permit issued to a citizen of a foreign country shall expire coincidentally with his or her authorized duration of stay.

(e) Notwithstanding subsection (d) of this section:

(1) a citizen of Mexico, Guatemala, or such other country as the secretary determines meets or exceeds the security standards and protocols adopted by Mexico and Guatemala for issuing identification documents, may submit as a part of the application process for an operator license, junior operator license, or learner permit:

(A) a valid passport and consular identification card issued by the government of the country of which the applicant is a citizen; and

(B) proof of continuous residence in Vermont for the six month period immediately preceding the date of application, which shall include:

(i) two pieces of mail with the applicant’s current name and address;

(ii) two of the following that show the applicant’s current name and address:

(I) utility bill;

(II) property tax bill with physical location;

(III) lease;

(IV) Vermont EBT card or AIM identification card;

(V) a homeowners or renters insurance policy or proof of claim;

(VI) if the applicant resides with another Vermont resident and gets no mail at his or her street address, a signed statement from the Vermont resident with whom he or she resides and two residency documents permitted by this subdivision demonstrating the legal residence of the Vermont resident; or

(iii) such other documentation as the secretary shall allow by rule;

(2) an applicant who submits documentation that meets the requirements of this subsection shall not be required to produce his or her passport and visa, alien registration receipt card (green card), or other proof of legal presence pursuant to subsection (d) of this section; and

(3) an operator license, junior operator license, or learner permit issued pursuant to this subsection shall be subject to the standards for the expiration and renewal of licenses in section 601 of this title.

Sec. 2. REPEAL; EFFECT OF REPEAL

(a) 23 V.S.A. § 603(e) shall be repealed on the date on which the Secretary of the U.S. Department of Homeland Security requires the State of Vermont to be in full compliance with the provisions of the Real ID Act of 2005.

(b) Notwithstanding any provision of law to the contrary, a driver's license issued pursuant to 23 V.S.A. § 603(e) shall become invalid upon repeal of this Sec. 2.

Sec. 3. EFFECTIVE DATE

This act shall take effect January 15, 2013.

and that the bill should be renamed "An act relating to expanding access to driving privileges in Vermont" and that when so amended the bill ought to pass.

Appendix C: Vt. Code. R. 14-050-010

14 050 010. Identify [sic] Documents for Learner's Permit, Operator's License, and Non-Driver ID

Each applicant for an original learner's permit, operator's license or non-driver ID is required to show documentary proof of identity and date and place of birth. Proof of identity shall be one primary document and one secondary document from the following list. A primary document must contain the full name and date of birth and must be verifiable, i.e., you must be able to contact the issuing agency to determine the authenticity of the document.

Primary Documents

- Photo driver license. Cannot be expired more than one year.
- State/prvince/territory issued photo ID card. Cannot be expired more than one year
- Certified microfilm/copy of driver license or ID card. DL/ID card cannot be expired more than one year.
- Certificate of birth (U.S. or Canadian issued). Must be original or certified copy, have a raised seal and be issued by the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and baptismal certificates are not acceptable.

INS documents, as follows:

Certificate of Naturalization (N-550, N-570, or N-578)
 Certificate of Citizenship (N-560, N-561, or N-645)
 Northern Marina Card (I-551)
 American Indian Card (I-551_
 U.S. Citizen Identification Card (I-179 or I-197)
 Resident Alien Card (I-151, I-551, AR-3A, or AR-103)
 Temporary Resident Identification Card (K-688)
 Non-resident Alien Canadian Border Crossing Card (I-185 or I-586)
 Record of Arrival and Department (in a valid Foreign Passport) (I-94 or I-94W visa waiver program)
 Record of Arrival and Departure w/attached photo stamped "Temporary Proof of Lawful Permanent Resident" (I-94)
 Processed for I-551 stamp)in a valid Foreign Passport)
 Permanent Resident Re-entry Permit (I-327)
 Refugee Travel Document (I-571)
 Record of Arrival and Departure (in a Certificate of Identity) (I-94)
 Record of Arrival and Departure Stamped "Refugee:, "Parole, Parolee" or Asylec)(I-94)
 Employment Authorization Document (card "EAD") Ins. form I-766.

- Canadian Immigration Record and Visa or Record of landing (IMM 1000)

- Court order. Must contain full name, date of birth and court seal. Examples include adoption document, name change document, gender document, etc.

- Military ID.
- Valid Passport, U.S. or Canadian. If foreign, appropriate INS document also is required.
- State issued photo learner permit. Out-of-state issued permit is NOT acceptable. Cannot be expired more than one year. A learner permit without a photo is not acceptable unless accompanied by a primary document.
- Canadian Department of Indian Affairs issued ID card. Tribal issued card is not acceptable. U.S. issued Department of Indian Affairs card is not acceptable.

Secondary Documents

- All Primary Documents.
- Bureau of Indian Affairs Card/Indian Treaty Card. Tribal IS card is NOT acceptable.
- Driver license/ ID card, expired more than one year
- Court order that does not contain the applicant's date of birth.
- Employer ID card.
- Foreign birth certificate. Must be translated by approved translator.
- Health insurance card, i.e., Blue Cross.Blue Shield, Kaiser, HMO
- IRS/State tax forms W-2 NOT acceptable
- Marriage certificate/license
- Medical records from doctor/hospital
- Military dependent ID
- Military discharge/separation papers.
- Parent/guardian affidavit. Parent/guardian must appear in person, prove his.her identity and submit a certified/notarized affidavit regarding the child's identity/ Applies only to minors.
- Gun permit
- Pilot's license
- School record/transcript. Must be certified

- Social security card. Metal card is NOT acceptable.
- Social insurance card (for Canadian residents only)
- Student ID Card. Must contain photo.
- Vehicle title. Vehicle registration NOT acceptable.
- Welfare card.
- Prison release document.

Additional documentation may be required at the department's discretion if documentation submitted is questionable or if there is reason to believe the person is not who s/he claims to be.

Residency Form for Non-driver ID card

A residency form, prescribed and furnished by the Commissioner and signed subject to the penalties of section 201, 23 V.S.A., must be completed and signed by the applicant. Said form, in addition to the full name, address, date and place of birth and Social Security number, will state how long the applicant has resided in Vermont and if a new resident (less than 6 months), the state of prior residence and the date he/she came to Vermont.

Application

The application furnished by the Commissioner will contain the following information and must be signed by the applicant:

Name and address - legal

Description -eyes, sex, weight, height

Social Security number

Date of birth, place of birth

Date of application

Personal ID document submitted

Applicant's signature

Penalty statement - control number

Effective Date: July 1, 1997 (Secretary of State Rule Log #97-21)

Appendix D: Accepted Documents for Proof of Residence³⁶

Proof of Residency Requirements for a Vermont License/Permit/ID

To prove Vermont residency, applicants must provide the following^[i]:

- Two pieces of mail with current name and street address.

If mail is not received at the street address, provide any two (2) of the following which show street address:

- Utility bill -- must list service address.
- Property tax bill with physical location.
- Lease or Landlord statement.
- Vermont EBT (Electronic Benefit Transfer) card or Vermont AIM (Advanced Information Management) identification card.
- Homeowners/Renters insurance (policy/proof of claim).

If the applicant resides with others and gets no mail at their street address:

- Signed statement from the person with whom they reside, and one proof of residency document (above) from that person.

US Military, Active Duty:

- If residing in Vermont -- see above.
- If residing out-of-state -- military ID and proof Vermont is their residence in military records, such as Leave and Earnings Statement or orders.

Minors:

- Parental Residency Affidavit and one (1) parent residency document from above.
- Parent/Guardian evidence of relationship to applicant.

Note: This is not an exclusive list.

This requirement pertains to new Licenses, Commercial Driver Licenses, Enhanced Driver Licenses or Non-Driver ID's, however, upon renewal of an applicant's Operator's License, Commercial Driver's License, Enhanced Driver's License or Non-Driver ID, if the applicant has an out-of-state legal address, he or she is required to provide one of the above documents to prove Vermont residency.

This does not affect visiting citizens of a foreign country. Any License or Non-Driver ID that may be issued to these applicants will expire coincidentally with their authorized duration of stay, provided that authorized stay has at least 30 days remaining.

^[i] These are not considered identity documents, they are only used to prove residency

³⁶ Source: <http://dmv.vermont.gov/licenses/drivers/requirements/residency>

Requirements for a Vermont Learner's Permit:

To prove Vermont residency, the applicant must provide the Department with one of the documents indicated above. If the applicant is a minor, the parent/guardian will be required to provide one of the residency documents.

If the applicant is not a Vermont resident, he/she may only obtain a Vermont Learner's Permit for the purpose of participating in a driver education and training course. The applicant must provide the Department with one of the following:

- A letter from a school Guidance Counselor stating the student/applicant is to be enrolled in a driver education course, or
- A letter from a Driver Education School indicating the applicant/student is enrolled in a class.

Appendix E: States That Accept Consular Cards

NM: Identification number is required; Matricula Consular issued after Feb. 1, 2005, is accepted as alternative to proof of SSN. *See* N.M. Admin. Code 18.19.5 and <http://www.mvd.newmexico.gov/SiteCollectionDocuments/assets/Acceptable%20Documents%20Chart%207Mar12.pdf>

NC: Accepted as proof of residence. *See* N.C.G.S.A. § 20-7; <http://www.ncdot.gov/dmv/examples/>

TX: A consular ID is considered “supporting identification.” In conjunction with a “secondary document” and another supporting identification, it may be used to establish identity. *See* <http://www.txdps.state.tx.us/DriverLicense/identificationrequirements.htm>

Utah: Accepted for proof of identity for a driving privilege card, in conjunction with a foreign birth certificate or foreign passport. *See* http://publicsafety.utah.gov/dld/acceptable_id.html

WA: Accepted for proof of identity in conjunction with other documents. <http://www.dol.wa.gov/driverslicense/idproof.html>

Appendix F: List of Migrant Workers Who Testified

Patricia Alejandro (8/8/12 meeting)
Jose Norman Alfonso (8/8/12 meeting)
Efron Battista (12/13/12 meeting)
Danilo Lopez (8/8/12; 10/3/12; 10/26/12; 12/13/12 meetings)
Epimmenio Lopez (8/8/12 meeting)
Over Lopez (12/13/12 meeting)
Alberto Madrigal (12/13/12 meeting)
Eliasar Martinez (8/8/12 meeting)
Arnulfo Ramirez (8/8/12 meeting)
David Santiago (12/13/12 meeting)