

## FACTS ABOUT

# The Impact of Driver's License and Identification Card Restrictions on U.S. Citizens and Lawfully Present Immigrants

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Legislatures across the country have introduced and enacted proposals aimed at barring undocumented immigrants from obtaining driver's licenses and state-issued identification cards. At the federal level, Congress passed the REAL ID Act in 2005 to tighten security standards on licenses and ID cards and to prevent certain immigrants from obtaining these documents. But these proposals do not simply affect undocumented immigrants. They also have had the unintended — but entirely predictable — consequence of preventing many eligible U.S. citizens and lawfully present immigrants from obtaining these documents.

### Requirements to prove U.S. citizenship prevent U.S. citizens from obtaining driver's licenses and identification cards.

- A handful of states passed laws in 2006 and 2007 that require applicants for driver's licenses and ID cards to prove their U.S. citizenship, yet 13 million U.S. citizens do not have readily available documentary proof of citizenship.<sup>1</sup>
  - 12 percent of U.S. citizens with low incomes (earning less than \$25,000 per year) do not have a readily available U.S. passport, naturalization document, or birth certificate.<sup>2</sup>
  - 34 percent of women with access to any proof of citizenship do not have a document with their current legal name.<sup>3</sup>
- A Colorado law passed in 2006 that required proof of U.S. citizenship to obtain a driver's license and ID card was aimed at denying undocumented immigrants a range of services. Many U.S. citizens, however, found that they were not able to obtain these documents.
  - The 15-year-old daughter of a state senator who helped pass the Colorado law applied for a learner's permit soon after the law was enacted. She was denied one because a U.S. passport was not sufficient proof of citizenship or state residency.<sup>4</sup>
- The state driver's license experience mirrors the results of a federal rule implemented in 2006 requiring Medicaid applicants to prove U.S. citizenship. It was intended to prevent undocumented immigrants from receiving Medicaid but instead has denied health care to tens of thousands of U.S. citizens.<sup>5</sup> According to the eligibility director of the Medicaid program in Wisconsin, "Congress wanted to crack down on illegal immigrants who got Medicaid benefits by pretending to be U.S. citizens, but the law is hurting U.S. citizens, throwing up roadblocks to people who need care, at a time when we in Wisconsin are trying to increase access to health care."<sup>6</sup>

### Restrictive requirements to prove identity prevent seniors from obtaining driver's licenses and identification cards.

- More than 6 million senior citizens do not have a current government-issued photo ID card,<sup>7</sup> which is required to obtain a driver's license or ID card in many states. Lack of a



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government-issued ID card can prevent elders from securing critical benefits.

- A 2006 New Jersey law imposed strict new identification requirements to obtain a driver's license in line with those required under the REAL ID Act. When an 81-year-old World War II veteran born in South Carolina in 1924 tried to renew his driver's license with a Social Security card and photo-identification card issued by a county sheriff's department, he was told that he needed a passport and birth certificate. The applicant was born at home in the rural south, however, and his birth was never registered with the local health department. He was told it would take at least a year to obtain a delayed birth record from South Carolina.<sup>8</sup>

**☑ Restrictive requirements to prove identity prevent people with disabilities from obtaining driver's licenses and identification cards.**

- Approximately 4 million people with disabilities do not have photo identification,<sup>9</sup> which can prevent them from obtaining a driver's license or state ID card that is needed for essential services.
  - A 57 year-old Colorado man with cerebral palsy needed a state ID card to satisfy the requirements for his housing assistance. In order to get the card, he needed to obtain his birth certificate. To obtain his birth certificate, he needed a state ID card. After already losing his food stamps because he couldn't prove his identity, he was at risk of also losing his apartment.<sup>10</sup>

**☑ Restrictive requirements to prove identity prevent military families from obtaining driver's licenses and identification cards.**

- Many U.S. military family members are born overseas in U.S. military hospitals. But the hospitals might not forward the birth records to the U.S. State Department, and years later the hospitals may no longer exist. If this occurs, the military family member has no easy way to locate an original hospital birth certificate.
  - A U.S. military veteran from Georgia recently was denied renewal of his Georgia driver's license because he cannot prove that he is a U.S. citizen. He was born in a U.S. military hospital in Canada and does not have his original hospital birth certificate. His parents failed to register his birth with the State Department because they assumed incorrectly that it was the responsibility of the U.S. military hospital to do so. He has no proof of U.S. citizenship and is unable to obtain such proof easily. To obtain a license, he has been told that he must apply for a U.S. passport or U.S. certificate of citizenship, both of which take time and expense to obtain. In the interim, he cannot renew his license.

**☑ State policymakers should support practical driver's license and state identification card reforms that improve the integrity of the documents but don't have the unintended consequence of preventing many eligible U.S. citizens and lawful immigrants from obtaining them.**

- States should require proof of state residency to ensure that only state residents can obtain a driver's license or state ID card.
- States should implement internal antifraud mechanisms, including staff training on identifying false documents, authenticating security features on identification documents, as well as ensuring that duplicate licenses and ID cards are not issued.
- States should implement photo comparison technology to compare existing images with each other and compare new images to those on file.

- States should reduce the production and sale of false documents by imposing harsh penalties on those who produce, distribute, or purchase them.
- States should implement measures to reduce corruption, including the production and sale of false documents, within state driver's licensing agencies.
- States should appoint a task force or commission that includes members of the community to study the following issues related to state driver's license and identification card policy:
  - Procedures for issuing driver's licenses, including a review of the current documents (including foreign documents) acceptable to prove identity and state residency.
  - Mechanisms for strengthening the state residency requirement.
  - The impact of uninsured and unlicensed drivers on insurance premiums, hit-and-run accidents, law enforcement resources, and the judicial system.
  - The impact of unlicensed drivers on public safety, including community policing efforts.
  - The impact of immigration status-related driver's license restrictions on lawfully present immigrants and foreign-born U.S. citizens.

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### FOR MORE INFORMATION, CONTACT

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## Notes

<sup>1</sup> CITIZENS WITHOUT PROOF: A SURVEY OF AMERICANS' POSSESSION OF DOCUMENTARY PROOF OF CITIZENSHIP AND PHOTO IDENTIFICATION (Brennan Center for Justice, Nov. 2006), [www.brennancenter.org/page/-/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/page/-/d/download_file_39242.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> April M. Washington, "Red Tape Ensnarers State's New ID Law: Rules Meant to Foil Illegal Immigrants Cause Havoc at DMV," ROCKY MOUNTAIN NEWS, Sept. 25, 2006, [www.rockymountainnews.com/drmn/local/article/0,1299,DRMN\\_15\\_5019363.00.html](http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5019363.00.html).

<sup>5</sup> Robert Pear, "Lacking Papers, Citizens Are Cut From Medicaid," NEW YORK TIMES, Mar. 12, 2007, [www.nytimes.com/2007/03/12/us/12medicaid.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/03/12/us/12medicaid.html?_r=1&oref=slogin). For more information on the impact of the citizenship Medicaid requirement on U.S. citizens, see NEW MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENT IS TAKING A TOLL: STATES REPORT ENROLLMENT IS DOWN AND ADMINISTRATIVE COSTS ARE UP (Center on Budget and Policy Priorities, Mar. 13, 2007), [www.cbpp.org/2-2-07health.pdf](http://www.cbpp.org/2-2-07health.pdf).

<sup>6</sup> *Id.*, emphasis added.

<sup>7</sup> CITIZENS WITHOUT PROOF, *supra* note 1.

<sup>8</sup> Suzanne Travers, "ID Requirement Idles Driver's Independence," HERALD NEWS, Mar. 25, 2006.

<sup>9</sup> "Opposing ID and Documentary Proof of Citizenship" (League of Women Voters), [www.lwv.org/AM/Template.cfm?Section=Home&CONTENTID=10383&TEMPLATE=/CM/ContentDisplay.cfm](http://www.lwv.org/AM/Template.cfm?Section=Home&CONTENTID=10383&TEMPLATE=/CM/ContentDisplay.cfm).

<sup>10</sup> Karen Augé, "Disabled Entrapped by ID Rules," DENVER POST, Mar. 4, 2007, [www.denverpost.com/search/ci\\_5351362](http://www.denverpost.com/search/ci_5351362).