Rewards for Illegal Aliens – Driver's Licenses

State-issued driver's licenses and identification cards open doors of opportunity in the United States. Not only does the driver's license grant Americans the privilege to operate a vehicle, it also is widely accepted as an identification card that enables the bearer to access a plethora of services and benefits. Driver's licenses and ID cards are used to rent apartments and cars, open bank accounts, cash checks, enter secure buildings, buy guns, and board commercial aircraft, among other things.

Acceptance of these documents as proof of identity has become so commonplace in America that presenting a different document, like a passport, may attract attention and lead to increased scrutiny, even if the alternative document is actually more secure. This is why driver's licenses and ID cards are so valuable to terrorists and illegal aliens, who use them to hide in plain sight without attracting unwanted attention. As the 9/11 Commission noted in its final report, reliable identification is vital for security reasons. Fraudulent licenses and IDs "complicated the government's ability to adequately ensure public safety at vulnerable facilities including airport terminals, train stations, bus stations, and other entry points."

Driver's licenses and ID cards are particularly valuable to illegal aliens since they are accepted as proof of identity on the I-9 form employers are required to complete to establish that new employees are legally eligible to work in the United States. With a driver's license and a stolen or counterfeit social security card, an illegal alien has everything he needs to secure a job and all the other necessities of life in America.

Despite the fact that licenses and ID cards are the identity documents of choice in America, some states are disturbingly careless about to whom they are issued and for how long they remain valid. These two issues – eligibility and duration of validity – largely determine whether illegal aliens are able to obtain licenses and ID cards.

Currently, 26 states have laws that require applicants for licenses and ID cards to present proof of lawful presence in the United States, as the table below indicates. In these states, applicants must present documents establishing that they are U.S. citizens, lawful permanent residents (immigrants), temporary workers or visitors (nonimmigrants), or aliens who are otherwise authorized by the Federal government to be in this country. Another seven states and the District of Columbia effectively require proof of lawful presence by limiting the documents applicants may present to establish identity. Three states require proof of lawful presence either by regulation or by practice, and four states require such proof only from applicants who do not have a social security number. Only two states – California and Florida – use the Department of Homeland Security's automated Systematic Alien Verification for Entitlements (SAVE) system to verify the validity of immigration documents presented by applicants. In those states that do not require verification of documents, illegal aliens can only obtain licenses by presenting fraudulent documents.

That leaves 10 states that do not require proof of lawful presence at all, and so intentionally issue driver's licenses and ID cards to illegal aliens,. These states are rewarding violators of our immigration laws and making them more difficult to track and deport. They also are likely to be the destinations of choice for terrorists seeking to blend into American society.

One-third of the estimated 10 million illegal aliens currently residing in the United States are thought to have entered legally and then overstayed their visas, according to DHS. Even in states that require proof of lawful presence from applicants, these aliens often are able to obtain licenses and ID cards that expire long after the alien's visa expires. Mohammed Atta, for example, entered the United States on a six-month tourist visa but was issued a Florida driver's license with an expiration date of 09/01/07 – six years to the day after he flew an airplane into the North Tower of the World Trade Center.

Summary of States' Licensing Requirements

State	Lawful presence requirement?	Expiration tied to visa?
AL	Yes by statute	Yes
AK	Yes by document requirements	NO
AZ	Yes by statute	Yes
AR	Yes by statute	NO
CA	Yes by statute (verifies w/ SAVE)	Yes
CO	Yes by statute	Yes
CT	Yes by statute	NO
DE	Yes by regulation	NO
DC	Yes by document requirements	Yes
FL	Yes by statute (verifies w/ SAVE)	Yes
GA	Yes by statute	NO
HI	NO	NO
ID	Yes by statute	NO
IL	Yes by statute	Yes
IN	Yes by practice	NO
IA	Yes by practice	Yes
KS	Yes by statute	NO
KY	Yes by statute	Yes (tourists not eligible)
LA	Yes by statute (except ag workers)	Yes
ME	Only if applicant doesn't have SSN	NO
MD	NO	NO
MA	Only if applicant doesn't have SSN	NO
MI	NO	NO
MN	Yes by statute	Yes (short-term licenses marked)
MS	Yes by statute	Yes (short-term licenses marked)
MO	Yes by statute	Yes (after 07/01/05)
MT	NO	NO
NE	Only if applicant doesn't have SSN	NO
NV	Yes by document requirements	Yes
NH	Yes by statute	May be tied, but not required
NJ	Yes by statute	Yes (short-term licenses marked)
NM	NO	NO
NY	Yes by document requirements	Yes (short-term licenses marked)
NC	NO	NO
ND	Yes by document requirements	NO
OH	Yes by statute	Yes (short-term licenses marked)
OK	Yes by statute	Yes
OR	NO	NO
PA	Yes by statute	Yes (tourists not eligible)
RI	Only if applicant doesn't have SSN	NO

SC	Yes by statute	Yes
SD	Yes by statute	Yes
TN	Yes by statute (except driving cert.)	Yes (driving certificates marked)
TX	Yes by document requirements	NO
UT	NO	NO
VT	Yes by document requirements	Yes
VA	Yes by statute	Yes
WA	NO	NO
WV	Yes by document requirements	Yes
WI	NO	NO
WY	Yes by statute	Yes

Myth vs. Reality

Illegal-alien advocacy groups rely on the assertions below to justify the issuance of driver's licenses to illegal aliens. Each appears reasonable on its face, but none holds up under scrutiny.

Myth 1: Illegal aliens are going to drive no matter what so issuing them licenses will improve the safety of our roads by ensuring that they have passed a driving test and purchased automobile insurance.

In 2004, automobile accidents resulted in about 42,000 deaths and more than 100,000 injuries in the United States. The vast majority of the people involved in these accidents were licenses, insured drivers, so the correlation asserted by the advocates is tenuous at best. Moreover, most illegal aliens are low-wage workers who send a significant portion of their earnings to their home countries in the form of remittances. They have little incentive to spend their wages on car insurance, and even less incentive to wait for the police to arrive after an accident, since contact with law enforcement authorities could result in deportation. Finally, this suggestion that we just accept the inevitability of illegal aliens' presence in the United States and treat them as lawful residents undermines our belief in law and fairness. No one would suggest that we not lock our doors because burglars are going to break in anyway.

Myth 2: *Law enforcement officials will be better able to track illegal aliens if they are licensed, since their personal data will be entered into driver's license databases.*

This claim holds out the promise that law enforcement officials would actually use DMV data to locate and remove illegal aliens. Of course, the very same advocacy groups that use this argument would protest endlessly if such enforcement were proposed. More importantly, though, illegal aliens would not apply for licenses – and certainly would not provide their real names or addresses – if they knew the data would be used to track them. Many already use false names and/or addresses to obtain licenses, just as the 9/11 terrorists who obtained licenses in Virginia did.

Myth 3: *DMV employees would have to become immigration experts in order to know which documents they can accept as proof of lawful presence.*

It would, in fact, be burdensome if DMV employees had to know which immigration documents are legitimate and which are not. That is precisely why the federal government created the Systematic Alien Verification for Entitlements (SAVE) system. SAVE is an automated system that allows state and local government officials to verify immigration documents. DMV employees would simply have to enter the document number and the name of the bearer into the computer and wait for an answer. Welfare agencies and certain employers have been using the SAVE system for years to verify immigration documents, so there is no reason DMV employees could not use it as well.

In response to the 9/11 attacks, the American Association of Motor Vehicle Administrators (AAMVA) acknowledged the importance of ensuring that state-issued driver's licenses and ID cards are accurate and can be relied upon as proof of the bearer's identity. Betty Serian, Chairwoman of

AAMVA's Special Task Force on Identification Security, acknowledged that driver's licenses are much more than just a license to drive. As the most widely accepted identity document, their reliability has a direct affect on homeland security: "When you can verify an individual's identity you are one step closer to preventing fraud, protecting privacy and saving lives."

In post-9/11 America, security is of the utmost importance. There is now a greater need for reliable identification to ensure that our planes, trains, buildings and communities are protected against terrorist threats. The issuance of state ID cards and driver's licenses to illegal aliens undermines our safety. The 9/11 Commission addressed this issue squarely:

> *Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.* (Final Report, p. 390)