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Testimony of Werner Oyanadel, LPRAC Acting Executive Director
Before the Transportation Committee, Monday March 4th, 2013
Wilbur Cross High School, New Haven, CT

Good evening State Senator Maynard, State Representative Guerrero, and all the honorable members of the Transportation Committee of the Connecticut General Assembly. My name Werner Oyanadel, Acting Executive Director of the Latino and Puerto Rican Affairs Commission (LPRAC), I am here today to speak in support of Proposed H.B. No. 6037 "An Act Concerning the Issuance of a Motor Vehicle Operator's License to Certain Immigrants," in support of Proposed Bill No. 68, "An Act Establishing A Program Allowing Certain State Residents To Obtain A Driver's License or Vehicle Registration Regardless of Citizenship or Immigration Status," and in support of Proposed S.B. No 69 "An Act Allowing Any Person Accepted into the Federal Deferred Action for Childhood Arrivals Program To Obtain A Motor Vehicle Operator's License," and finally I am here to oppose proposed bill No. 643 "An Act Concerning Citizenship Status Verification Prior to the Issuance of a Driver's License."

LPRAC, for the record, conducted a yearlong study about the potential economic and public safety benefits for the State of Connecticut to issue driver's licenses for undocumented immigrants and found that: (1) there is a potential annual revenue benefit of nearly \$3 million in license and registration fees; (2) moreover, we found that granting driver's licenses to this population would also reduce the number of hit-and-runs and increase the number of insured motorists on the road and therefore improve public safety for people accessing our state and local road infrastructure; and (3) most importantly we found that Connecticut has the present authority under state and federal law to issue licenses to undocumented immigrants.

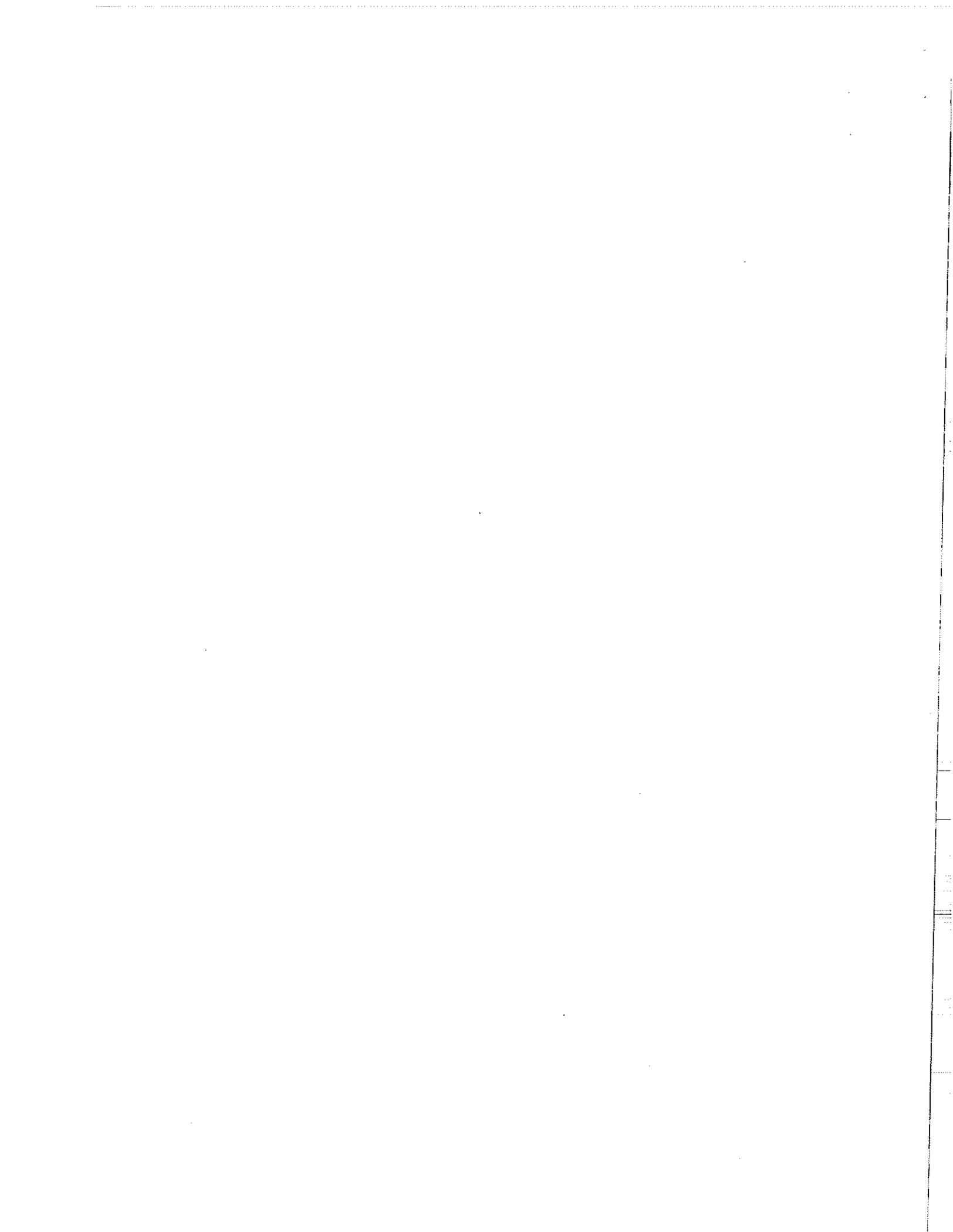
In the State of Illinois, one of three states that already allow all immigrants access to motor vehicle driver's licenses (i.e., Washington and New Mexico are the other two) call their new program "temporary visitor driver's licenses." To qualify for a license, an applicant must prove they have lived in Illinois for at least a year and show that they are ineligible for a Social Security card. Documents that will be accepted to verify identity will include a copy of a lease, utility bills and a valid consular identification card. Drivers must also pass vision, written and road tests and pay a \$30.00 dollar fee. In order for the license to remain valid, a driver also will be required to get insurance. Furthermore, people who want to apply for the license must agree to perform a facial recognition search against other databases. Once the card is issued: (1) it will be visually different, with a blue background as opposed to red; (2) the cards will be marked "not valid for identification" which cannot be used for boarding an airplane, voting, or purchasing a weapon; & (3) the

licenses will only be valid for three years instead of four years, like traditional licenses.

This issue is very important to our agency as we have compiled data that indicates Connecticut immigrants are currently driving without licenses due in large part to their immigration status and inability to apply for licenses. The collateral effect of said restrictions forces immigrants to drive unlicensed and uninsured so they can work and support their families. This forces immigrants to risk major financial loss to themselves and the community at large and if continued, could result in higher insurance premiums for everyone. LPRAC strongly believes that it would benefit all state residents if immigrants were able to obtain motor vehicle driver's licenses. This would ensure that immigrants are tested on the laws of the road, have their vision checked, pay for licenses and car registration and most importantly purchase car insurance.

For the record, I would like to take a minute to highlight for the record what is the Federal Deferred Action for Childhood Arrivals Program as highlighted by Proposed S.B. 69 which LPRAC supports. On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children with parents that are undocumented and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status. While it is our understanding that these students are already qualified or eligible under this program to work in Connecticut, then in our opinion that it would make total sense for the state to allow them to qualify for a Motor Vehicle Driver's License so that they can get to work accordingly.

Thank you for your attention regarding this important matter to our agency. We are ready now to answer any questions you may have regarding our statement.



The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Testimony before the Latino and Puerto Rican Affairs Commission
State of Connecticut

Shayak Sarkar, J.D. candidate, and Prof. Michael J. Wishnie,
Worker and Immigrant Rights Advocacy Clinic at Yale Law School
January 18, 2012

Good morning, and thank you for this opportunity to share our views about the legal issues and economic benefits arising from issuing driver's licenses to state residents regardless of immigration status.

My name is Shayak Sarkar; I am a law student at Yale University and an economics Ph.D. student at Harvard University. For the past four months I have represented Congregations Organized for a New Connecticut (CONNECT). CONNECT, an interfaith coalition of over 25 congregations, celebrated its founding this past November in the presence of thousands of congregation members, community leaders, and elected officials including Governor Malloy. CONNECT's platform for a new Connecticut includes four visions, the first three of which are: making job training more effective, addressing the state foreclosure crisis, and improving health care insurance premiums. The fourth and final vision is for safe travel, which includes drivers licenses for immigrants regardless of status. I appear before you today, as part of the Work and Immigrants Right Advocacy Clinic (WIRAC), on behalf of CONNECT, to address this issue.

The goal of my testimony is to convey our legal and economic research, which concludes first that the State of Connecticut has the present legal authority under state and federal law to issue licenses to undocumented residents. We conclude that no further statutory amendments are required for the state to accomplish this goal. Second, I wish to describe the experience in three other states that currently issue driver's licenses to residents regardless of immigration status. Third and finally, I wish to share

with you our calculation of the revenue benefit that Connecticut would reap by permitting Connecticut residents to obtain a driver's license and register their vehicle. We conclude the state would receive nearly \$3 million annually in license and registration fees.

A. REAL ID

In 2005, Congress enacted the REAL ID Act, which addressed in part the issuance of state driver's licenses. Some staff at the Connecticut Department of Motor Vehicles (DMV) have asked whether it would be inconsistent with the REAL ID Act to issue licenses to undocumented residents. We conclude that the plain language of the REAL ID Act and its implementing regulations, issued by the US Department of Homeland Security, confirm that Connecticut is fully authorized in issuing licenses without regard to immigration status, including under the terms of the REAL ID Act.

First, the REAL ID Act obligates states to offer its residents a driver's license that will meet federal standards for entering federal buildings, airline travel, and other purposes. We refer to this as a "federal-purpose license" or as "REAL ID compliant license." Connecticut began offering such a license in October 2011, which the DMV calls a SelectID. In addition, the REAL ID Act and its implementing regulations recognize that a state may also issue a second form of license to its residents, one which is not sufficient to enter federal buildings or for other designated federal purposes. REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005) (codified at 49 U.S.C. § 30301 note) ("In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section [this note], ensure that such license or identification card" both clearly facially states it is not acceptable as federal ID and uses a unique design or color); 6 C.F.R. § 37.71 (2008) ("[s]tates that DHS determines are compliant with the REAL ID Act that choose to also issue driver's licenses and identification cards that are not acceptable by Federal agencies for official purposes must ensure that such driver's licenses and identification cards" meet the requirements of § 202 (d)

(11).); see also 73 Fed. Reg. 5273-74 (Jan. 29, 2008) (“The Act also permits a State otherwise in compliance with the Act to issue driver's licenses and identification cards that do not conform to the Act's requirements. See Sec. 202(d)(11).”); 73 Fed. Reg. 5323 (Jan. 29, 2008) (“This Regulatory Evaluation assumes that States will deploy a two-tier or multi-tier licensing system.”). We refer to this as a “regular license.” Connecticut also offers these regular licenses to its residents, but on terms more restrictive than federal or state law mandates. In particular, Connecticut has elected not to exercise its power under federal and state statute to issue regular licenses to undocumented residents.

Second, DHS has repeatedly delayed implementation of the federal statute, in part due to technical challenges and in part to sustained opposition to the law from many states. It is far from clear that REAL ID will ever take effect. Again, however, our main point is that even if REAL ID does ever take effect, it in no way prohibits Connecticut from issuing license without regard to immigration status. This is because nothing in the text of the REAL ID Act or in DHS's implementing regulations prohibits a state from offering a second license to undocumented immigrants as well, one that satisfies state standards but which may depart from the federal rules governing REAL ID-compliant licenses.

A two-tier licensing system, as in the SelectCT program, is permissible under the federal law. In fact, to reiterate, the final rule regarding the minimum standards for REAL ID promulgated in 2008 assumed that states could implement two-tier identification and/or licensing systems: “States that DHS determines are compliant with the REAL ID ACT that choose to also issue driver's licenses and identification cards that are not acceptable by Federal agencies for official purposes” must simply make sure those non-REAL ID compliant IDs must state their invalidity for federal identification purposes on

the face of the ID and possess a "unique design or color indicator."¹ The statute itself also explicitly affirms the acceptability of such a system contingent only on the same two requirements.²

On October 3, 2011, Connecticut implemented a two-tier licensing system. Connecticut now offers a "Select ID," which is REAL ID-compliant and therefore should be accepted by federal officials after January 15, 2013.³ One component of the Select ID application process is to verify legal presence; however, the document checklist explicates "If length of legal presence is unknown or expires before a full license term [6 years], the applicant is not qualified for a verified driver license or ID card."⁴ The state therefore cannot prospectively issue driver's licenses to people without immigration status under SelectCT. Moreover even those with temporary legal presence are excluded. The seven countries that the Secretary of Homeland Security has designated with temporary protected status (TPS)⁵ have scheduled expiration dates in or before 2013. Thus, since TPS will be expiring in less than six years, we do not predict that people under TPS will be able to meet the legal presence requirement under SelectCT.

However, as authorized by the federal regulation, Connecticut has chosen to continue to offer non-REAL ID licenses as well, but only to those seeking to renew their licenses not new applicants.⁶ The new "Select ID" program is currently only a DMV policy and is not governed by regulation. Changes to its administration are at the discretion of Commissioner Currey. Thus simply by changing the DMV regulations, undocumented immigrants may gain access to driver's licenses and this should not conflict with federal law. REAL ID does not prohibit this; rather, it mandates that states must offer a

¹ 6 C.F.R. § 37.71 (2008).

² REAL ID Act of 2005, § 202(d)(11) (2005).

³ *Select CT ID Overview*, CT DEP'T MOTOR VEHICLES, <http://www.ct.gov/dmv/cwp/view.asp?a=4078&q=477742>.

⁴ *Document Checklist for Identity Verification*, CT DEP'T MOTOR VEHICLES.

⁵ These countries are El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, and South Sudan.

⁶ *DMV to Change License and ID Renewal Process for All Customers*, CT DEP'T MOTOR VEHICLES, <http://www.ct.gov/dmv/cwp/view.asp?a=4078&q=477750>.

REAL ID-compliant license. CT fulfills the federal mandate and violates no law by choosing to offer a two-tiered scheme that includes a non-REAL ID compliant license.

In addition to excluding undocumented immigrants from the ability to obtain REAL-ID compliant driver's licenses that are valid as federal ID, the REAL ID Act's requirements exclude some with legal immigration statuses including persons granted withholding of removal, persons paroled into the United States, and applicants for nonimmigrant visas (e.g. victims of trafficking or other crimes).⁷ Furthermore, REAL ID raises serious concerns for lawful immigrants because their status must be verified by SAVE (Systematic Alien Verification for Entitlements), a Department of Homeland Security database with documented deficiencies.⁸ In short, the federal law, if it ever takes effect, will require Connecticut to issue a REAL ID-compliant license. Since Connecticut began offering such a license as of October 2011, the state is fully in compliance almost 1.5 years in advance of the current effective date.

The deadline for full compliance with REAL ID is now January 15, 2013; but the deadline has consistently been delayed. When REAL ID was passed in 2005, it was scheduled to take full effect in May 11, 2008. But there was an enormous wave of criticism from states across the country. In 2008, when the Department of Homeland Security promulgated the final rule governing minimum standards for REAL ID compliance, then-Secretary Chertoff extended the date until May 11, 2011. Then again, on March 7, 2011, the Department of Homeland Security promulgated an additional regulation extending the full compliance date for REAL ID to January 15, 2013.

So while the statute itself set an effective date of May 11, 2008 (three years after enactment), it appears that the Secretary of Homeland Security has authorized compliance deadline extensions beyond

⁷ Joan Friedland, *Final REAL ID Regulations Fail to Ease New Burdens on Immigrants*, NAT'L IMMIGRATION LAW CTR. (Feb. 27, 2008), <http://v2011.nilc.org/immspbs/DLs/DL039.htm>.

⁸ *Id.*

that date. The statute gives the Secretary the power to “determine whether a State is meeting the requirements of [the Act].” Furthermore, the statute explicitly grants the Secretary the authority to extend the deadline for full compliance for states so long as they “provide adequate justification for noncompliance.”

Based on these extensions and the strong opposition to REAL ID from some states and sectors of the community, as well as the costs of the program, some argue that the implementation of REAL ID is likely to be extended again and might ultimately be repealed. Since the Secretary of Homeland Security appears to have the authority to extend the deadline through regulation (and thus without Congressional approval), extension may be more likely, especially if President Obama is re-elected.

Lastly, in Connecticut, the restriction limiting access to state driver’s licenses to those residents with lawful status in the United States derives from an agency regulation rather than a statute. The statute governing driver’s license application states only that each applicant must “in the discretion of the commissioner, file, with the application, a copy of such applicant’s birth certificate or other prima facie evidence of date of birth and evidence of identity.” Conn. Gen. Stat. § 14-36(e)(2).

The proof of status requirement is part of the Department of Motor Vehicle’s own regulations. Conn. Agencies Regs. § 14-137-64a provides that an applicant for a driver’s license or identity card “be required to indicate whether he is a citizen of the United States....If any applicant indicates that he is not a citizen..., the applicant shall be required to submit evidence that he is legally present in the United States and is a lawful resident of the State of Connecticut.”⁹ Even if a person submits such evidence, the DMV can decline to issue a license or identity card to a person currently in removal proceedings or subject to an outstanding warrant. *Id.* § 14-137-64a(c). Further, the DMV can revoke a license or

⁹ The DMV has a list of acceptable documents for noncitizens on its website. See *Acceptable Identification for Non-U.S. Citizens*, CT Dep’t Motor Vehicles, <http://www.ct.gov/dmv/cwp/view.asp?=-805&q-471456>.

identity card if it learns that a person is no longer permitted to be in the United States; in that case, the person must be allowed an opportunity for a hearing. *Id.*¹⁰

B. EXPERIENCE IN OTHER STATES

Three states—Utah, Washington, and New Mexico—continue to make driver’s licenses (or something similar) available to undocumented immigrants.¹¹

1. UTAH

Prior to 2005, undocumented immigrants had access to driver’s licenses in Utah. In 2005, the state enacted a lawful presence requirement for state driver’s licenses.¹² However, at the same time, Utah created a “driving privilege card” that is available regardless of proof of lawful status in the United

¹⁰ Additional regulations provide that an applicant for a driver’s license must provide proof of identity. Conn. Agencies Regs §§ 14-137-165, 14-137-67. The documents sufficient to prove identity are closely associated with U.S. citizenship or lawful status. *Id.* There is also a requirement that an applicant for a license or state identity card provide a social security number or statement of non-eligibility. See Conn. Agencies Regs. §§ 1-1h-4(identity cards), 14-137-79a (licenses and identity cards); *Acceptable Forms of Identification*, CT Dep’t Motor Vehicles, <http://www.ct.gov/dmv/cwp/view.asp?=-805&q=471456> (licenses and identity cards).

¹¹ Unfortunately, that number of such states has dwindled steadily in recent years, especially in response to the REAL ID Act (discussed below). Since 2008, six states have eliminated eligibility of undocumented immigrants for state driver’s licenses. Only two states, Washington and New Mexico, continue to issue driver’s licenses to those without lawful status on the same terms as those with lawful status. In Utah, undocumented immigrants are eligible to obtain only “driving privilege cards,” which are not intended to serve as valid identification for government purposes. Therefore, Utah has essentially created two tiers of driver’s licenses. In each of these states, legislation to eliminate undocumented immigrants’ eligibility for driver’s licenses has been introduced and/or considered in 2011. All other states impose a lawful status requirement either by statute, agency regulation, or the combination of documents required for driver’s licenses in the state. As of 2009, twenty-eight states fell in the former category (statute) and eighteen fell in the latter (policy).

¹² 2005 Utah Laws Ch. 20 (S.B. 227).

States.¹³ The card gives the holder the right to drive but explicitly states on its face that it is not a valid form of government identification and should not be used for that purpose.¹²

Since the passage of Utah's law in 2005, there have been repeated efforts to repeal it. In March 2011, a bill to repeal the driving privilege card provisions was introduced. That bill was unsuccessful, yet a bill that creates additional hurdles to obtain the driving privilege card replaced it. That bill, which was enacted, requires a person applying for a driver's privilege card to submit to fingerprints and a criminal background check, at the applicant's expense.¹³ Those requirements went into effect on July 1, 2011.

2. WASHINGTON

Unlike Utah, Washington does not differentiate between the driver's licenses issued to those who can prove lawful status and those who cannot. The Senate in Washington considered several different licensing bills in March 2011, some of which would have created a system similar to Utah's, others that would have eliminated access to driver's licenses entirely for those without lawful status. However, the bill that came to a vote on March 7, 2011 failed in a 25-23 vote.¹⁴

3. NEW MEXICO

¹³ As of new rules effective October 3, 2011, Connecticut also has a two-tiered system. Connecticut is offering new REAL ID compliant IDs (Select CT IDs), which are not available to many immigrants including legal immigrants who cannot demonstrate they will have lawful status for the coming six years. However, Connecticut is also continuing to issue regular licenses under the rules discussed above in this memorandum. There are two important differences between the Connecticut system and the Utah system currently. First, undocumented immigrants cannot currently access even the lower tier of licenses in Connecticut. Second, the lower tier of licenses in Connecticut can still serve as valid state identification (although not for federal purposes after REAL ID becomes effective). The Select ID two-tier system is discussed in more detail below.
¹² *Id.* The statute stipulates that the driving privilege card must state, "FOR DRIVING PRIVILEGES ONLY—NOT VALID FOR IDENTIFICATION," or something substantially similar. Utah Code Ann. § 53-3-207. There are obvious drawbacks to this approach. When a similar law was implemented in Tennessee in the past, problems included: deterrence of immigrant applications for fear of being reported, waste of enforcement resources when police officers were forced to arrest individuals without "valid identification" upon citation, and improper deputization of driver's license officials to act as immigration officials in determining lawful status. Nonetheless, it does provide a route for undocumented individuals to drive within the confines of state law.

¹³ 2011 UT S.B. 138 (NS); see also Lisa Riley Roche, *Fingerprints, background check now required for Utah driver privilege card*, DESERET NEWS, June 30, 2011, <http://www.deseretnews.com/article/705375502/Fingerprints-background-check-now-required-for-Utah-driver-privilege-card.html>.

¹⁴ Keegan Hamilton, *With the Driver's License Bill Dead, Washington Immigrants Get to Keep Their IDs*, SEATTLE WEEKLY, Mar. 8, 2011, http://blogs.seattleweekly.com/dailyweekly/2011/03/drivers_license_bill_dead_washington_immigrants.php.

Similar to Washington, New Mexico currently allows immigrants without proof of legal status to access driver's licenses on equal terms with other residents of that state. The law extending access to undocumented immigrants was passed in 2003.¹⁵ Recently, the issue has been very contentious in the legislature. The issue has been central to Republican Governor Susana Martinez who wishes to repeal the 2003 law. A bill to repeal the 2003 law was introduced last winter, passed the House of Representatives, but failed in the Senate.¹⁶ The sponsor planned to reintroduce the bill this September, but at the last minute, he stated did not have the votes to bypass committee and pass it in the House.¹⁷ Under the hostile administration, the application process has tightened, and the Houston Chronicle reported that new immigrant licenses dropped 57% during the first seven months of the new Governor's administration.¹⁸ In August 2011, the Governor ordered the state to re-verify the residence of all foreign nationals with New Mexico driver's licenses. A federal district judge, in an action brought by MALDEF challenging the program, has preliminarily enjoined that order.¹⁹

These three states, Utah, Washington, and New Mexico, thus continue to offer driver's licenses to undocumented populations, and while efforts to repeal those rights have surfaced, they have largely been defeated.

C. REVENUE BENEFITS

Overall, we estimate, as a lower bound, that the state of Connecticut could gain nearly \$3 million annually in revenue from extending licenses and registrations to undocumented immigrants: \$2.16

¹⁵ 2003 New Mexico Laws Ch. 31 (H.B. 173)

¹⁶ Milan Simonich, *Driver's license bill is dead, sponsor says*, ALAMOGORDO DAILY NEWS, Sept. 24, 2011, http://www.alamogordonews.com/ci_18967305.

¹⁷ *Id.* See also Gustavo Valdes, *New Mexico slated to consider changes to immigrant driver's licenses*, CNN, Sept. 6, 2011, http://articles.cnn.com/2011-09-06/us/new.mexico.immigrants.license_1_undocumented-immigrants-license-issue-judge-sarah-singleton?_s=PM:US.

¹⁸ Barry Massey, *Immigrant Licenses Slowing in NM*, HOUSTON CHRONICLE, Sept. 14, 2011, <http://www.chron.com/news/article/APNewsBreak-Immigrant-licenses-slowing-in-NM-2170518.php>.

¹⁹ *Judge blocks NM governor on immigrant driver's licenses*, Sept. 1, 2011, REUTERS, <http://www.reuters.com/article/2011/09/01/us-newmexico-licenses-immigrants-idUSTRE7800AV20110901>.

million a year in car registration revenue and \$624,000 in driver's license fees.²⁰ To estimate the potential revenue at stake necessitates estimating first, the number of cars unregistered but owned by undocumented immigrants and second, the number of undocumented drivers (who we assume will obtain a license once available).

To first estimate the number of cars unregistered but owned by undocumented immigrants, we can look to an interesting experiment, a recent Ohio statutory change. Ohio revised its laws in 2009 to require an owner's social security number, driver's license number, or state identification number. After the change, the Ohio Bureau of Motor Vehicles sent letters warning individuals that their registrations would be canceled unless they produced the newly required documents.²¹ Due to the more stringent identification requirements, Ohio identified those registrations not in compliance and allowed for three months for individuals to update their registration. Only a small fraction complied; about 45,000 registrations were cancelled in a state with 12 million registered vehicles, which we can assume to be the number of vehicles owned by undocumented drivers at that time in Ohio.²² If we assume the ratio of vehicles owned by the undocumented to the overall undocumented population is equal across states, we then estimate 54,000 unregistered vehicles owned by undocumented immigrants in CT, based on estimates from the Pew Research Center.²³ This figure is larger than that for Ohio because while the overall population of Ohio is larger than that of Connecticut, Connecticut's estimated undocumented population exceeds that of Ohio.

²⁰ There are potential additional revenue gains from documented immigrants who are nonetheless ineligible for SelectCT including those under Temporary Protected Status and those on student visas.

²¹ Reginald Fields, *Latino Group Sues Ohio says new vehicle registration rules unfair to non-citizens; state disagrees*, THE PLAIN DEALER, Nov. 24, 2009.

²² Fields, *supra*.

²³ Pew Research Center, <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-brnational-and-state-trends-2010/>, p. 23. This data suggests a ratio of 6/5 between the number of undocumented immigrants in Connecticut to the number in Ohio.

To calculate the number of undocumented drivers, we have a second assumption of assuming the ratio of overall vehicle registrations to licensed drivers in the state of Connecticut (.96)²⁴ applies to the undocumented, unlicensed driver community. This would give about 52,000 drivers. This is likely conservative since the socioeconomic demographics of the undocumented community would suggest that more drivers share cars than in the general population. Nonetheless the estimates of 54,000 unregistered vehicles and about 52,000 drivers, when combined with the annual vehicle registration fee and driver's license fees in Connecticut suggest \$2.16 million in registration revenue and \$624,000 in annual driver's license fee, for a total of \$2,784,000.²⁵

We also have not included the \$40 DMV examination fee, since we assume the marginal cost of actually administering a driving test is somewhat high so the *net* revenue here may be close to zero (the sum of the DMV exam fees would be over \$2 million annually). The additional DMV examinations might well support the hiring of additional DMV examiners to review the increased applications. But again, our estimate is conservative to make a point. Moreover, our estimates also do not include the possible economic stimulus from promoting car purchases from Connecticut dealers and related automobile maintenance and accessory costs, if people's inclination to purchase automobiles responds positively to registration availability. And even more broadly speaking, there will likely be large social gains to enabling people to have more mobility in their job searches, which would rectify market inefficiencies.

D. CONCLUSION

In conclusion, WIRAC's research for CONECT demonstrates that providing licenses to immigrants regardless of documentation status is not only legal but economically beneficial. First, the

²⁴ US Department of Transportation, Federal Highway Administration, <<http://www.fhwa.dot.gov/policyinformation/statistics/2009/d11c.cfm>>.

²⁵ As of July 1, 2011, a 2 year car registration is set at \$80 for Connecticut and 7 year driver's license costs \$84, suggesting annual costs of \$40 and \$12 per year for registrations and licenses respectively.

plain language of REAL ID and DHS's implementing regulations confirm that Connecticut is fully authorized in issuing licenses to immigrants, provided only that the state also issue a REAL ID-compliant license - which it does. Second, nothing in Connecticut's own statutes prohibits the DMV from issuing licenses and registration to residents regardless of immigration status. The obstacle is merely a DMV regulation and policy. Third, REAL ID's persistent delays suggest it may never go into effect, and if it does, the statute does not preclude a two-tier system, where regular driver's licenses which are not valid for federal ID can be issued. This is in fact Connecticut's current policy, and by regulation, it can expand access to all immigrants, instead of simply reserving it for license renewal. Fourth, states like Utah, New Mexico, and Washington offer concrete examples of this capacity. Finally, the economic revenue benefits, even when conservatively estimated, are significant - we suggest that the state will reap an additional \$3 million in revenue.

I would be happy to try to answer any further questions you might have. I thank the Commission for the opportunity to present our testimony.

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Query 1: What forms of identification do Washington, Utah, and New Mexico require before issuing driver's licenses to undocumented immigrants?

Washington

For those who do not possess a social security number, proof of identity can be demonstrated through a declaration form and a number of documents including (but not limited to):¹

- a) Guatemala Consulate ID card
- b) Marriage license or certificate (filed with the county)
- c) Medicare card
- d) Mexican Matricula Consular Card
- e) Mexican Federal Electoral Card issued 1991 or later
- f) Mexican school record with a seal and your photo at the age when issued

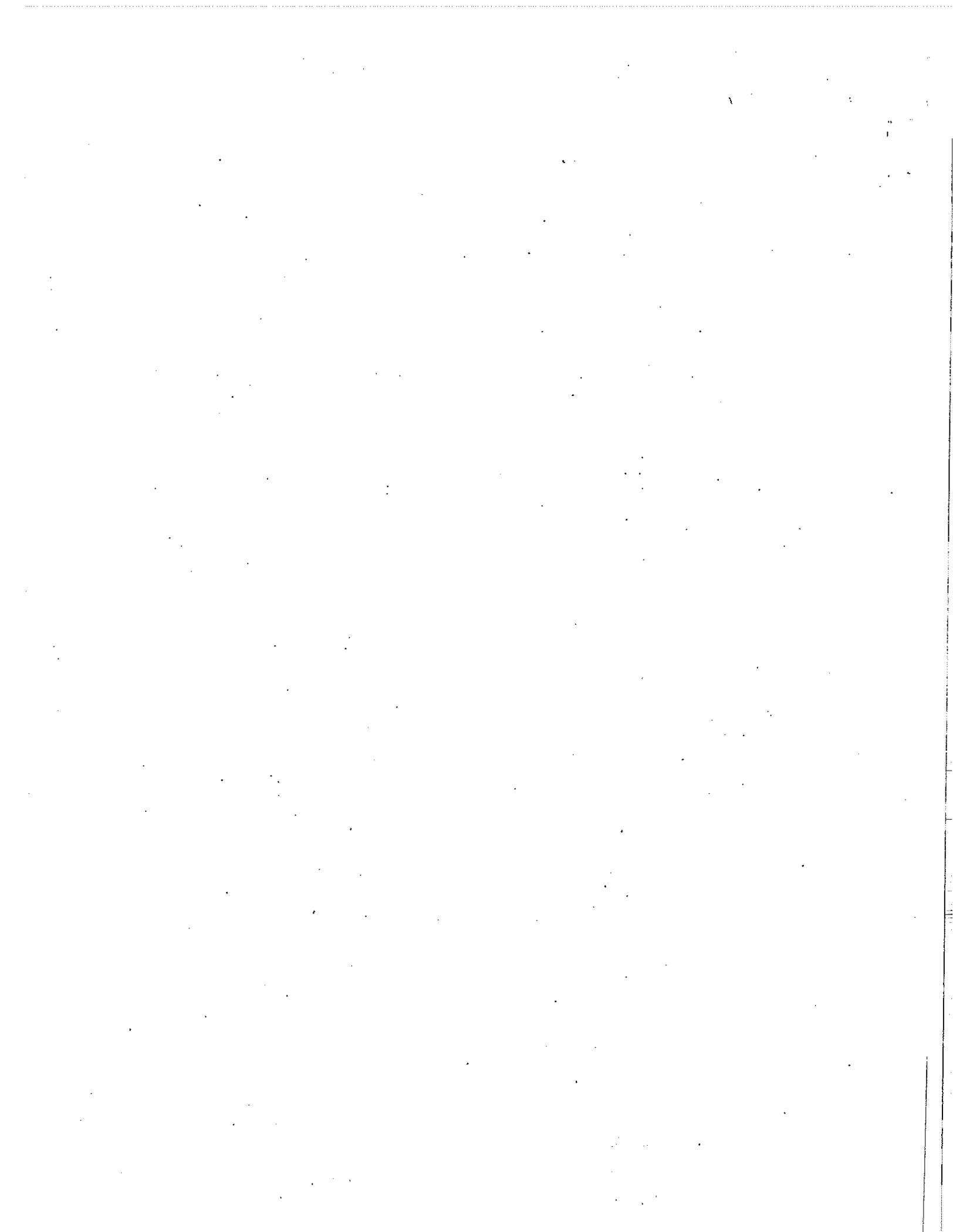
Utah

For Utah's Driving Privilege Card, one must provide, in the absence of a social security number, an Individual Tax Identification Number (ITIN), a completed fingerprint card, and evidence of identity. The evidence of identity requires a foreign birth certificate or foreign passport including a certified translation if the document is not in English and one of the following:²

- a) Church records
- b) Court records
- c) Driver license
- d) Employee ID

¹ *Proof of Identity*, Washington State Department of Licensing, <http://www.dol.wa.gov/driverslicense/idproof.html#identity> (last visited Jan. 20, 2012).

² *Positive Identification*, Utah Department of Public Safety, http://publicsafety.utah.gov/dld/acceptable_id.html#DPC,,, (last visited Jan. 20, 2012).



- e) Insurance ID card
- f) Mexican Matricula Consular Card (issued in Utah)
- g) Mexican Voter Registration card
- h) School records
- i) Utah Driving Privilege Card
- j) Other evidence considered acceptable by the Division Director or designee

New Mexico

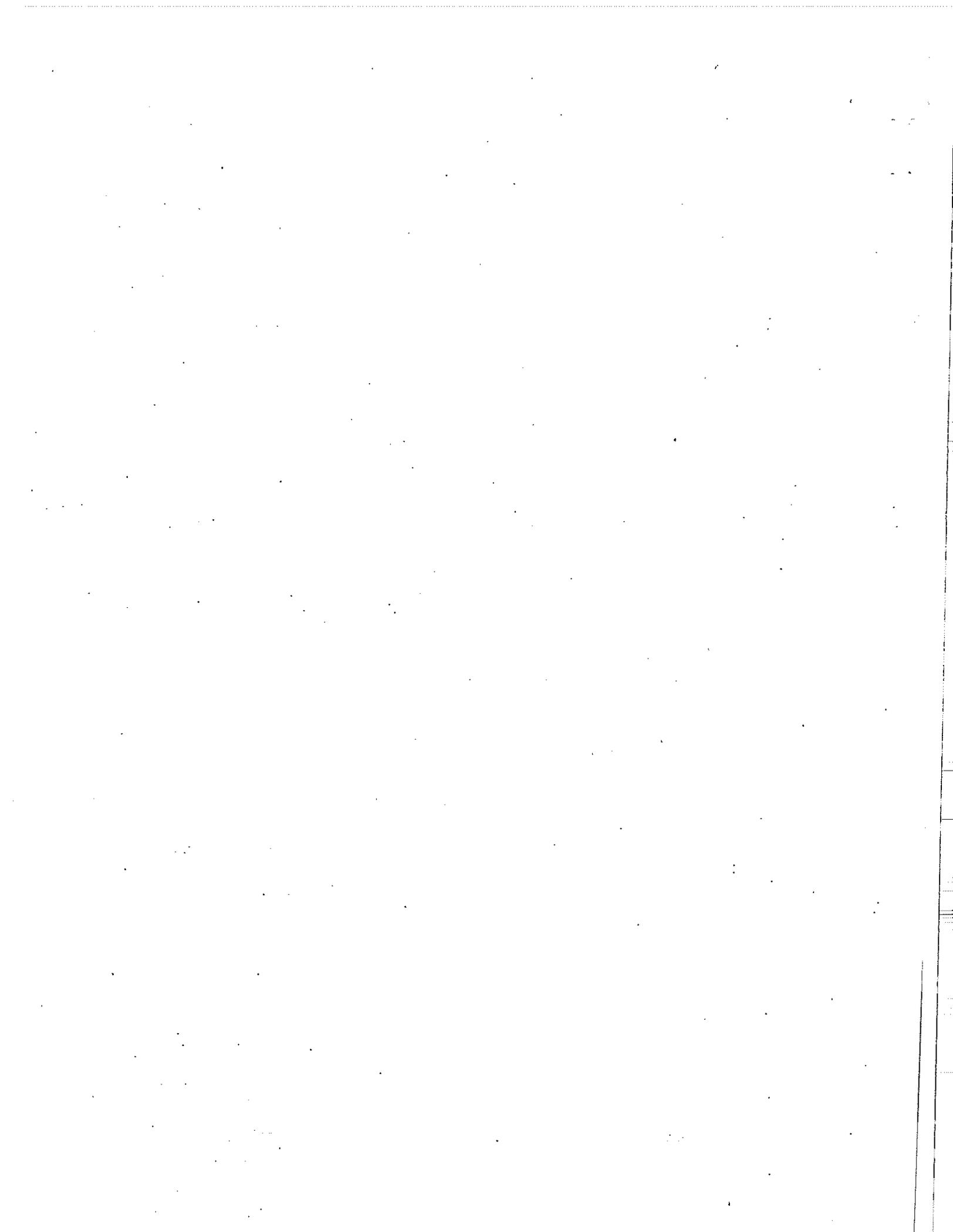
If one is not eligible for a social security card, one of the following is necessary to establish identity:³

- a) *Mexican Matricula Consular* card issued after February 1, 2005 by the Consulate in Albuquerque or El Paso plus an original or certified copy of a foreign birth certificate with a notarized English translation
- b) Valid passport issued by a country of citizenship plus an original or certified copy of a foreign birth certificate with a notarized English translation
- c) Individual Tax Identification Number (ITIN) card or letter issued by the IRS issuing the ITIN plus either a Mexican Matricula Consular issued after 2/1/05 by the Consulate in Albuquerque or El Paso or by a valid passport issued by the applicant country of citizenship

Query 2: What are the some of the documented deficiencies with SAVE (Systematic Alien Verification for Entitlements), the verification system used by REAL ID?

Two main complaints have emerged:⁴

³ *MVD Proof of Identification Number*, New Mexico Motor Vehicles Department, <http://www.nmvdnewmexico.gov/Drivers/Licensing/pages/MVD-Proof-of-Identification-Number.aspx> (last visited Jan. 20, 2012).

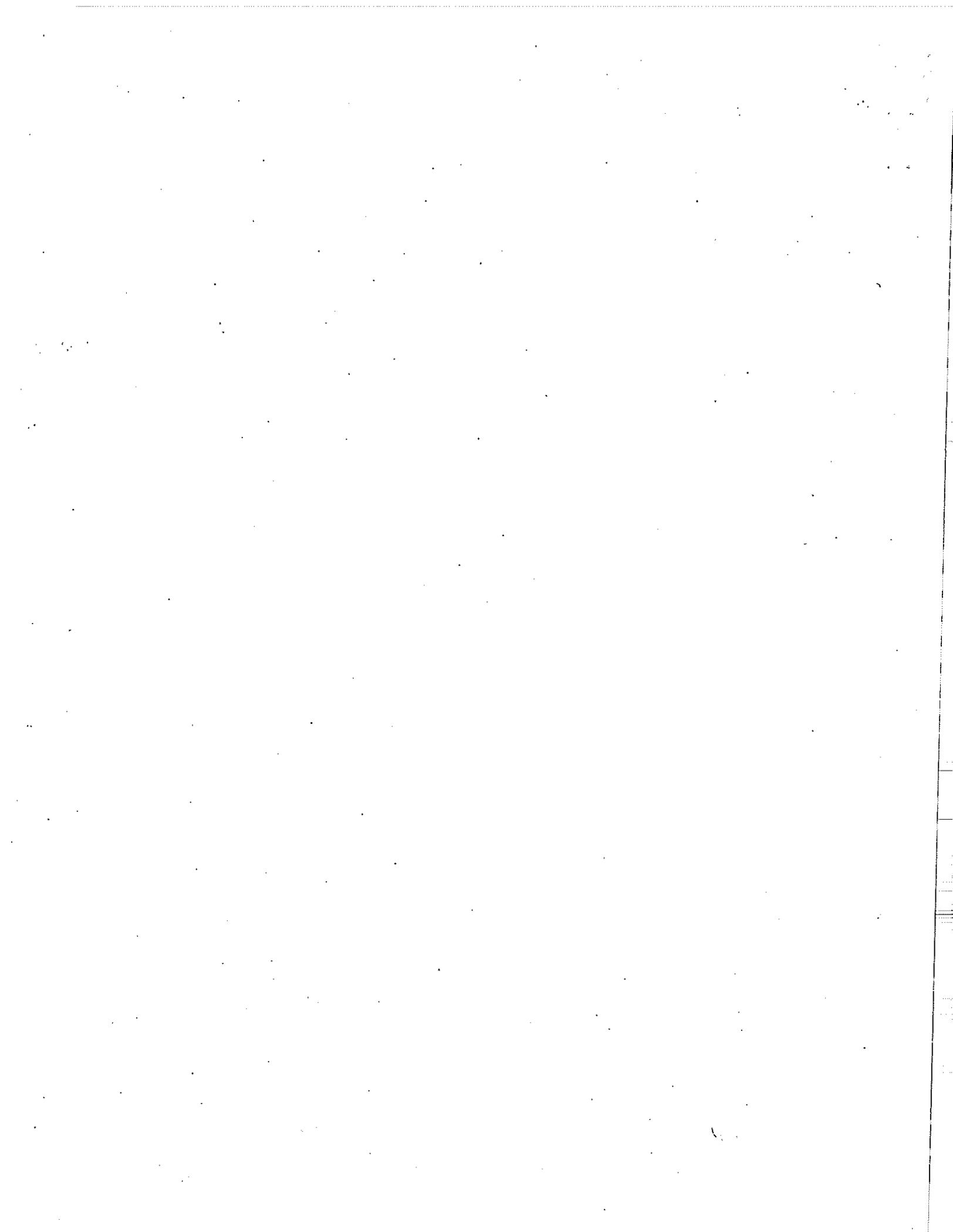


1. "In a survey conducted by the American Association of Motor Vehicle Administrators, staff at departments of motor vehicles (DMVs) who currently use SAVE were critical of delays, of the fact that often it was necessary to contact U.S. Citizenship and Immigration Services additional times when attempting to obtain a verification, and of the unavailability and unreliability of SAVE-related data."⁵
2. "The Social Security Administration (SSA), which must verify noncitizen applicants' immigration status before issuing them Social Security numbers (SSNs), has complained that it often experiences significant delays in obtaining verifications through SAVE and sometimes receives no response at all."⁶

⁴ Joan Friedland, *Final REAL ID Regulations Fail to Ease New Burdens on Immigrants*, NAT'L IMMIGRATION LAW CTR. (Feb. 27, 2008), <http://v2011.nilc.org/immspbs/DLs/DL039.htm>.

⁵ *Id.*

⁶ *Id.*





State of Connecticut
Latino and Puerto Rican
Affairs Commission

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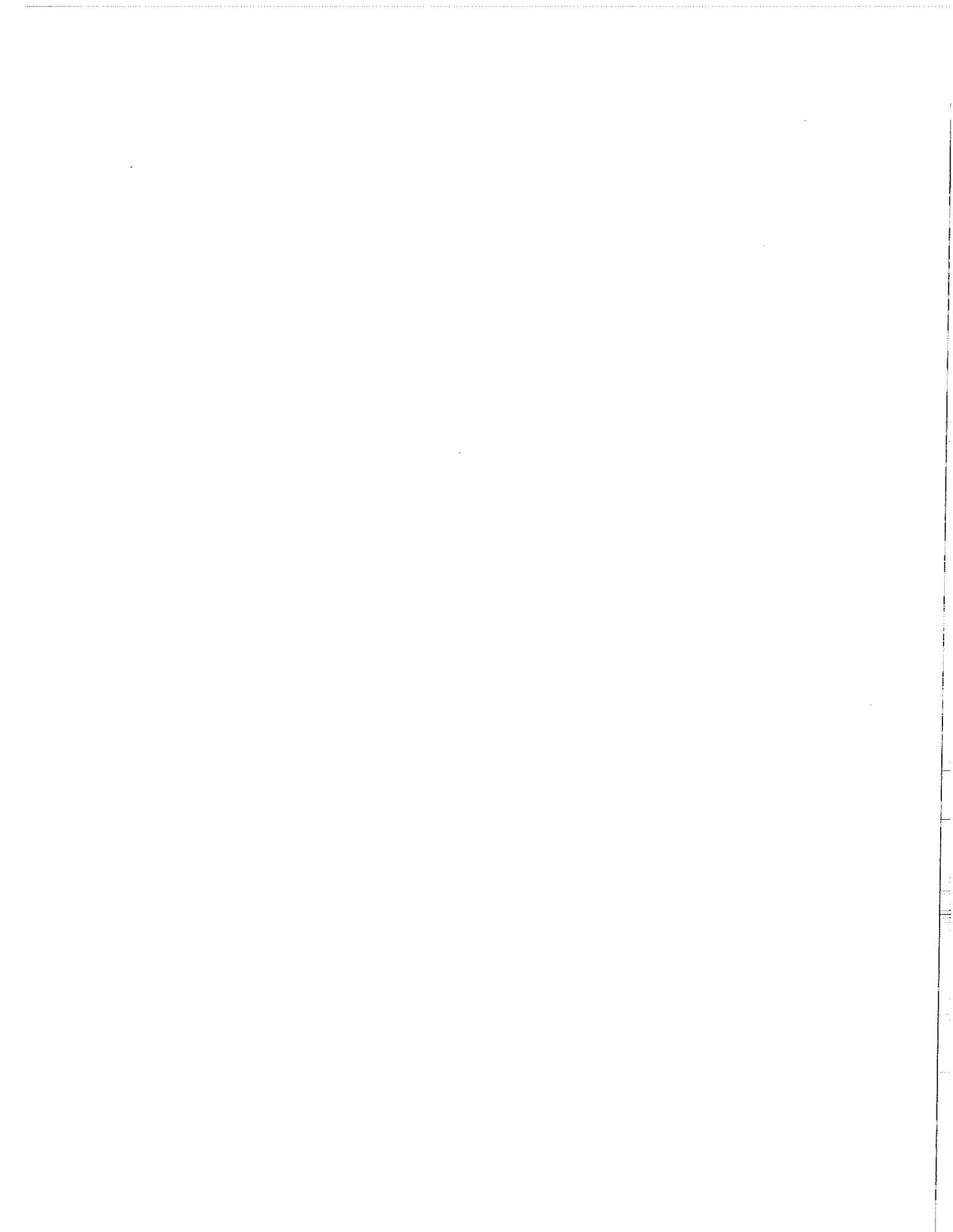
Memorandum

To: Latino and Puerto Rican Affairs Commission
From: Carlos Candal, Chairman of the Priorities and Legislation Committee
Date: May 16, 2012
Re: Potential Economic & Public Safety Benefits of Issuing Driver's Licenses to all immigrants in Connecticut Preliminary Findings

The Priorities and Legislation Committee has conducted a year long research about the potential economic & public benefits for the State of Connecticut to issue driver's licenses to all immigrants in Connecticut with the collaboration of State Representative Juan Candelaria (95th District), Barbara Richards, a LPRAC Consultant, and our committee members Rick Cruz, Lourdes Montalvo, Isaias Diaz, Werner Oyanadel and I. The research involved review of pertinent data resources, committee meetings, and a fact finding hearing with interviews from executives from the State Department of Motor Vehicles, the Office of Legislative Research, and the State Department of Public Safety. Finally, the committee received written testimony from a team of researchers on this subject from Yale Law School.

It is within this context that the committee reports to LPRAC the conclusion of our preliminary investigation as follows: (1) there is a potential revenue benefit for the State of Connecticut by allowing Connecticut immigrants regardless of their immigration status obtain a driver's license and register their vehicle. We found that the State would potentially receive nearly \$3 million annually in license and registration fees; (2) the State of Connecticut, according to the Jerome N. Frank Legal Services Organization at Yale Law School, has the present legal authority under state and federal law to issue licenses to undocumented residents; and (3) we found that granting driver's licenses to undocumented immigrants would reduce the number of hit-and-runs and increase the number of insured motorists on the road and therefore increasing public safety for everyone in our state. More than 14 percent of all accidents are caused by uninsured drivers, resulting in \$4.1 billion in insurance losses a year, according to the AAA Foundation for Traffic Safety. It is our contention that Congress needs to fix our broken immigration system. However, state policymakers need to make sure that all their drivers are tested, licensed, and insured by implementing a policy that protects everyone's safety.

Therefore, the members of the Priorities and Legislation Committee respectfully requests from LPRAC to approve our report and recommendations in order to legitimize our future legislative advocacy and additional research regarding this issue before the Connecticut General Assembly.



1/18/2012

Fact Finding Hearing

Transcription

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LATINO & PUERTO RICAN AFFAIRS COMMISSION
18-20 TRINITY STREET
HARTFORD, CT. 06106

FACT FINDING HEARING

RE INTERNAL INVESTIGATION & COLLECT RESEARCH
RE POTENTIAL ECONOMIC & PUBLIC SAFETY BENEFITS
TO ISSUING DRIVERS' LICENSES TO UNDOCUMENTED PEOPLE
IN THE STATE OF CONNECTICUT

BEFORE: ISAIAS T. DIAZ, ESQ., CHAIRMAN
LATINO & PUERTO RICAN AFFAIRS COMMISSION

JANUARY 18, 2012

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APPEARANCES:

ISAIAS T. DIAZ, ESQ, CHAIRMAN
LATINO & PUERTO RICAN AFFAIRS COMMISSION
CARLOS CANDEL, ESQ.
SUB-COMMITTEE CHAIR
COMMISSIONER RICHARD CRUZ
JUAN CANDELARIA
95TH ASSEMBLY DISTRICT
BARBARA RICHARDS
LPRAC CONSULTANT
WERNER OYANODEL
LPRAC, ACTING EXECUTIVE DIRECTOR
MONTEZ MONTALVO
COMMISSIONER
LPRAC
LYNN BLACKWELL
JANET REYNOLDS
REPRESENTING DMV
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HOUSATONIC COMMUNITY COLLEGE
MIKE WISHNIE
PROFESSOR, YALE LAW SCHOOL
SHAYAK SARKAR
STUDENT, YALE LAW SCHOOL

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MR. DIAZ: I will call this Fact Finding Hearing to order. My name is Isaias Diaz. I am the Chairman of the Latino and Puerto Rican Affairs Commission, and I will be filling in in the interim for our Sub-Committee Chair, Attorney Carlos Candal, who was himself along with a couple of other handlers are stuck in traffic due to an automobile accident.

The purpose for this Fact Finding Hearing is that we're trying to make an internal investigation, so to speak and collect research regarding potential economic and public safety benefits to issuing drivers' licenses to undocumented people here in the State of Connecticut. For the Latino and Puerto Rican Affairs Commission to make a new recommendation to the Legislature or even to the Board cause this is an accounting that will reach the Board level. We need to do our homework first, so to speak, so that's why we invited everybody here today based on the various areas of expertise and your valuable and input that you could bring to the table.

So before we begin, I'd just like to let everybody know that by law we are conducting a Fact Finding Hearing, the statute requires that that we report it. Don't worry, it's nothing crazy, we're just having a discussion, just you know it is required by law we're supposed to report it, so I have to give you (inaudible).

I'd like to just go around the room real quick

1 real quick and have everyone introduce themselves. We'll start
2 from (inaudible).

3 My name is Montez Montalvo (phonetic
4 spelling). I am also a Commissioner with the Latino and Puerto
5 Rican Affairs Commission.

6 My name is Werner Oyanadel, I'm the Acting
7 Executive Director of LPRAC.

8 David Rosado (phonetic spelling) from the
9 Department of Emergency Services and Public Protection. I'm
10 here on behalf of the Commissioner Ouda Golli (phonetic
11 spelling).

12 Lynn Blackwell, I work at the Department of
13 Motor Vehicles and I'm responsible for the Bureau of Driver
14 Regulations, and I had some comments to deliver to you and I'll
15 explain what I do when I get to the podium.

16 I'm Janet Reynolds, I also work at the
17 Department of Motor vehicles, the Customer Operations Bureau, so
18 we obviously branch out our issues, that's why we're here.

19 I'm Barbara Richards, I'm a Professor at
20 Housatonic Community College in Bridgeport. I volunteer.
21 I (inaudible) State Tuition, (inaudible)

22 Richard Cruz from Bridgeport, I've just been
23 elected the Vice Chair, and (inaudible).

24 And I'm Isaias Diaz, I'm the Chair of the
25 Latino and Puerto Rican Affairs Commission and I also practice
26 law here in the City of Hartford.

27 Before we move on to the next portion of our

1 agenda, it's come to my attention that the D.M.V. Commissioner
2 (inaudible) passed away, so on behalf of the Latino and Puerto
3 Rican Affairs Commission, we extend our condolences.

4 Without any further ado, Miss Blackwell.

5 MS. BLACKWELL: Okay, and I hope you'll bear
6 with me what our program is a little complicated. Anything DMV
7 does is complicated, cause we're a creature of the law, so we
8 try to comply with Federal Law, State Law and Regulations. My
9 discussion takes about ten or fifteen minutes and I think you'll
10 find it helpful. I hope so. So

11 my thanks for giving us this opportunity to speak before you.

12 My name is like I said, Lynn Blackwell, I'm a
13 Division Chief at Connecticut DMV. My responsibilities include
14 driver regulation and I was responsible as the Project Manager
15 for Connecticut's effort to comply with real ID, which we call
16 Select CT ID.

17 What I wanted to do today was give you some
18 context about Select CT ID and how it affects immigrant access
19 to Connecticut Driver Licenses and non-driver IDs.

20 Sometimes I call ID's, DO'S, Credentials,
21 Cards, we use all that terminology. And then if you don't mind
22 you gave us four questions, I'll respond to those at the end
23 because I think that my answers might make more sense hopefully.

24 So last year October 3rd, we adopted the
25 Select CT ID Program and it made significant changes as to how
26 we issue drivers' licenses. These changes are, I think, my
27 comments will explain this, but all these changes are beneficial

1 to non-U.S. citizen customers, and despite some misperceptions
2 about the real ID, I think you will be pleasantly surprised by
3 how we designed and adopted the program, so a real ID is a fact
4 act and was adopted by Congress after the terrorism attacks on
5 09/11.

6 License integrity was only one of their
7 recommended actions, it's the one that relates to DMV, so it's
8 the one I know the most about. Our effort to comply with real
9 ID was partially because it was good policy and then I'll
10 confess to you that the other reason to adopt real ID is that
11 DMV received Federal funds in the amount of
12 about \$1.3 million dollars and with that we got all new P.C.'s,
13 all new scanners, and modern servers for our computers, faster
14 card printers. We trained our employees with fraudulent
15 document recognition training which we previously did not have
16 the funding to do.

17 Generally we operated Connecticut's driver
18 license issuance production process. As part of the
19 introduction of Select CT ID, before we introduced it, we ran
20 ads on the radio in order to make sure that our customer base
21 was aware of the changes, that if they wanted to verify they had
22 to bring their ID in.

23 We also met with some organizations who had
24 opposed the real ID and had concerns about real ID
25 implementation, and our message to those organizations and our
26 message to you today is that the Select CT ID Program was
27 designed to be as expansive and inclusive of the State's

1 immigrant community as possible while still maintaining
2 compliance with the real ID and the integrity and high security
3 of our licensing system which is over-reaching goal.

4 So I want to give you a little bit of history
5 about that integrity commitment that DMV has to issuing
6 licenses. Our main concerns include minimizing identity theft
7 would cost people a lot of money if their identity is stolen.

8 We also want to control internal fraud. The
9 DMV in the last, hmmm, I guess it's almost ten years ago, but we
10 had a case of internal fraud that ended up with six people being
11 fired and several of them ending up in jail for long periods of
12 time, and so controlling internal progress is something that we
13 have as a high priority.

14 We want to also do the real ID goal which is
15 improving national security. With the Real ID Act what Congress
16 did is and it's very similar to what every legislature does when
17 they're looking at legislation and trying to decide how to crack
18 that legislation, they do a search of the literature and figure
19 out who is knowledgeable, what organization or what interest has
20 already done work on it, and in this case Congress found that
21 the Association, that is an Association of DMV's, it's called
22 AAMVA, American, I never get this right. I have it written
23 down, American Association of Motor Vehicle Administrators
24 AAMVA.

25 People in my position in the fifty states have
26 gotten together and they had over a time, over years, developed
27 best practices for issuing credentials in a secure way. What

1 Congress did was adopt a lot of those best practices in the real
2 ID. So when people, I guess when there are concerns about Real
3 ID, DMV never felt that those Real ID requirements were
4 overreaching because they were things that came out of our
5 industry. They were best practices that we were already working
6 toward adopting.

7 But the Real ID said, here's a time line, and if you adopt it
8 these are the benefits that you can get for doing it. It wasn't
9 a directive. It's an incentive to the states to adopt.

10 So some of those best practices are requiring
11 us to take a photo of every applicant, and what that does is now
12 we take a photo up front and that's where if a person is coming
13 in to apply we take a photo of every applicant. It used to be
14 we'd only take a photo of successful applicants. The reason for
15 the photo up front is if somebody comes in and gives us
16 fraudulent documents, if we realize they have fraudulent
17 documents and they run away, we have their photo. And so we're
18 able to give that photo to Law Enforcement to see if there is a
19 prosecution that can occur.

20 Another best practice is verifying documents,
21 identity documents with whoever issued that document, so that
22 would be like Social Security for a Social Security Card, we
23 verify Social Security with SSA. Another example is USCIS, if a
24 document has been issued by USCIS, we verify with them.

25 In the future there will be some other
26 verifications systems that are set up. They don't all exist
27 yet.

1 One other best practice is background checks
2 on new and existing employees because what we don't want to do
3 is hire people without being aware that they may have had a past
4 criminal practice of (inaudible), actually the Real ID's concern
5 is crimes against the government also.

6 We no longer photocopy identity documents.
7 The best practice and we've adopted it is that we scan identity
8 documents and they're stored in an accredited secure form, so
9 they're not available for misuse, that's also an identity
10 protection effort.

11 And the final thing is that by verifying your
12 Social Security, we are actually improving the Social Security
13 Administration Data Base, because we often say it's our efforts
14 that is achieving an improvement in the reliability of the
15 Social Security System because they have a lot of duplicates,
16 they actually issued the same Social Security Number to the same
17 people and we're helping them figure that out.

18 Now back to us generally and my next group of
19 comments are really about the Select CT ID. The first thing I
20 want to say about Select CT ID is it doesn't represent a huge
21 change for Connecticut's customers, other than the renewing
22 customers, people that were already customers before October
23 3rd, 2011 and I say that because every credential that issue,
24 every credential that has been issued for a long time is based
25 on secure identity and legal presence. When I use legal
26 presence what I mean is a person who is non-U.S. citizen, who is
27 present in this country and is documented to be present at this

1 time.

2 MR. CANDELARIA: All done. That (inaudible)
3 traffic.

4 MR. DIAZ: For the record, that's State
5 Representative Juan Candelaria, has just arrived.

6 MS. BLACKWELL: Hi, how are you? So nice to
7 see you.

8 MR. CANDELARIA: Same here.

9 MS. BLACKWELL: The Select CT ID Program at
10 DMV is not a big change to our standards because we've always
11 had the high standards so requiring people to prove their
12 identity and prove that they're legally present and I believe
13 the presence means that they are in this country, have a Visa
14 and that USCIS recognizes their status as being here legally.

15 So we work diligently to, to I studied the
16 real idea for a few years before we implemented. We weren't
17 quite sure how to go about implementing it. A lot of effort
18 went into figuring out how to implement in a way that was as
19 fair to our existing 2.9 million customers as possible.

20 We think what we came up with was pretty
21 innovative and what we did is minimize the impact on existing
22 customers, whose legal presence may have changed since they
23 obtained their credentials; and what we did not want to do is
24 require the everybody in the State to get a verified Real ID,
25 because if we did that there would be a lot of people who
26 wouldn't qualify, and we suspected that there might be people
27 who had licenses that had legal presence when they applied but

1 when they were coming back for renewal they no longer had legal
2 presence cause that could be a fleeting thing. You can be here
3 for a short period of time, and so, I'm going to say this a
4 couple of times but when people already have a driver's license
5 card ID in Connecticut they come into renew, as long as they
6 don't ask for a verified, they are going to be able to renew
7 just like I can by coming in and and turning it in for a new
8 License, as long as they don't ask for a verified.

9 So Connecticut requires new non-U.S. citizen
10 applicants to be legally present in the United States and we
11 verified that with USCIS. There are two types of credentials
12 under this Select CT ID. The real idea allows states to allow
13 two different types of credentials one can be real ID compliant
14 and the other a non-compliant option. Both of Connecticut's
15 driver license ID's, both these compliant and the non-compliant
16 are designed and intended to continue to have the integrity and
17 reputation for high standards across the country, so they're
18 acceptable as reliable ID wherever you go, inside the State,
19 outside the State, whether you are at your bank, you're trying
20 to cash a check at a retail store.

21 So to achieve the highest level of
22 flexibility that I talked about but also maintain the
23 reliability that we had always had, we decided to issue two
24 types of credentials, and I have a hand-out which I carefully
25 removed, what did I do with it? Oh, thank you.
26 You've been enormously helpful.

27 Take a look, those are the same so you can

1 pass one out and those two pages are exactly the same. They
2 show the two different credentials; one is on the top and one is
3 on the bottom, so the, lost my place, the non-compliant one
4 which is the easiest to get by people renewing, so if you're
5 renewing, you come in and say, just give me a regular one. It
6 means it's not compliant for the real ID and what that means is
7 you can't use it to easily get on an airplane. You could use it
8 to get on an airplane but they may ask you more questions about
9 it. In fact you can show up at the airport and get on an
10 airplane and you can still get on the airplane if you explain to
11 them, in a reliable, believable way why you're there with no
12 credentials, you know what I mean. It's only if you have, well
13 anyway, I'll leave that to T.S.A. but the fact is that if they
14 were to not like your driver's license, and you said well I do
15 have a high school ID card they would ask you a bunch of
16 questions to make sure that what your story hangs together and
17 they'd let you fly where you need to go, unless they have reason
18 to believe that you're defrauding them.

19 So anyway this non-compliant or regular one
20 you'll see it at the bottom, I think it's, is that the one on
21 the bottom? Both of those pages are the same. So you, yeah,
22 hang onto one of them, and I can't remember whether the
23 non-compliance is at the top or the bottom.

24 MR. CRUZ: It's at the bottom.

25 MS. BLACKWELL: It's at the bottom, thank you,
26 that's very helpful. So the one at the top has the star, the
27 star on the left-hand side, and that is the Real ID compliant

1 one and the one at the bottom says, not for Federal
2 Identification, and all that is required by the Real ID Act.

3 So who gets the non-compliant one, we issue
4 those to customers who choose a regular renewal, we also issue
5 them to non-U.S. citizens who have legal presence as a new
6 customer but they come in and they say I have legal presence but
7 my Visa is only good for four years. Our license is good for
8 six years, so that person is eligible for a credential in
9 Connecticut but they'd only get a regular, not a verified, cause
10 they have short-term time to stay.

11 The changes that we made under Select CT ID,
12 I've said before, it's really a small change for the, no change
13 at all for new customers, same standard. A small change for
14 renewing customers, that's cause they have this choice, they
15 never had a choice before, so when they come in the new customer
16 still has to make the same standards that we always had and our
17 standards have been, these are the required elements to get a
18 license. I'll probably repeat myself.

19 True identity, you have to prove your
20 identity, you have to show us what is your full legal name and
21 if you were to get a verified credential, we ask for your middle
22 name because the Federal Law now says we need your middle name.

23 The second thing, well, the third thing is
24 Connecticut residency, you have to prove that you are a resident
25 of the State of Connecticut, and you have to prove you're
26 legally present in the United States, either that you're a U.S.
27 citizen, or non-U.S. citizen with legal presence.

1 So existing customers have a choice when they
2 come back to renew starting in October, they can either get a
3 regular or they can get a verified one, I'm starting to sound
4 very repetitive to myself. If they choose to get a verified,
5 they have to get me all those elements which are true identity,
6 full legal name, Connecticut residency and prove legal presence.

7 So the difference is renewing customers have a choice, if you
8 already have a Connecticut ID or driver's license you can choose
9 one or the other. If you're a new customer, you moved from out
10 of state or you're a teenager, and it's the first time you had
11 an ID or a driver's license, then you have to meet those
12 standards.

13 So one other point if a new applicant, and I
14 did say this before but it was kind of a throw-away, if a new
15 applicant proves all those elements but they have a short-term
16 length of stay, then they only qualify for a regular license,
17 which has the not for Federal identification and it doesn't have
18 the star.

19 And I'm not, this is kind of not really
20 straight-forward your issue, but just so you know if the
21 Legislature gave the DMV the authority to issue a one-year
22 license, the statute says our licenses have an ID, are for six
23 years; if the Legislature gave us the flexibility to issue a one
24 year license, then non-U.S. citizens who prove all the elements
25 but have a short-term length of stay would be able to get a
26 license that has a star on it but it would only be for whatever
27 their length of stay is, it would end up being (inaudible) with

1 their length of stay.

2 Was that really confusing?

3 MR. CRUZ: Can you repeat that?

4 Does that mean if somebody enters with a Visa
5 and they stay for six months, they can get a license, as long as
6 they're here --

7 MS. BLACKWELL: Depending on their status.
8 Usually six months is kind of short --

9 MR. CRUZ: It's a Tourist Visa, so they can
10 know --

11 MS. BLACKWELL: -- I mean that's tourist.

12 MR. CRUZ: No, okay.

13 MS. BLACKWELL: No, no, because we're not in
14 the business of issuing of what, this is my language, we are
15 not, it costs too much money for us to stay up and running to
16 issue what are souvenirs, for --

17 MR. CRUZ: Right.

18
19 MS. BLACKWELL: -- for people to take
20 home to their home country, it doesn't make any sense for us to
21 be in that business. We in the business of issuing credentials
22 to people who are planning to go to school here, go to work
23 here, or to become U.S. citizens, so more like immigrants, than
24 visitors.

25 MR. CRUZ: Okay, immigrant visas, right.

26 MS. BLACKWELL: But if you had a student visa
27 and it was good for two years, right now we'd have to give you,

1 even if you proved all the elements, we would have to give you a
2 regular.

3 MR. CRUZ: Okay.

4 MS. BLACKWELL: If we had short-term length of
5 stay, if we had this ability to be flexible about how long the
6 credential is, we could give a person who met all those
7 standards, but had a short-term length of stay a verified
8 license with a star on it.

9 MR. CRUZ: Hmmm.

10 MS. BLACKWELL: That probably didn't help at
11 all.

12 MR. CRUZ: No, I understand.

13 MS. BLACKWELL: Okay.

14 Sort of my next, sort of thesis here is that
15 there's more non-U.S. citizens now than before October 3, 2011,
16 who are eligible for credentials from Connecticut, the driver's
17 license or the ID.

18 The reason that's true is that before October,
19 Connecticut used the law enforcement system that checked with
20 legal status, so we were using Collect, and Collect is the
21 Connecticut on-line law enforcement communications
22 teleprocessing, and we used that to verify legal presence. That
23 was because we had people that are post-certified that worked in
24 our branch offices and they were verified or whatever you call
25 it, eligible trained, certified to use Collect.

26 But the real idea I said you have to use SAVE
27 and that's a different on-line verification system. SAVE stands

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1 for Systematic Alien Verification for Eligibility. The
2 difference between the two is one is a law enforcement based
3 system. The other one is a system that is intended to decide
4 whether somebody's eligible for certain benefits. It's been
5 around a long time and it was used by Social Service Agencies
6 before it is now being used by DMV's, so as a result the SAVE
7 system now that we're using SAVE instead of Collect, we approve
8 more non-U.S. citizens to obtain a license or ID than we did in
9 the past.

10 Some of the categories that are now approved
11 who used to be denied, persons who had temporary protected
12 status, persons who are under removal, persons whose application
13 for adjustment of status was denied.

14 Under SAVE the response for those categories,
15 the only thing SAVE tells us is that person is eligible. They
16 are temporary employment authorized, that's all they tell us,
17 whereas under Collect they would tell us this person is under
18 removal, all those other statuses that I just went through
19 because SAVE sort of has a different philosophy. It's not a law
20 enforcement creature. It's a benefits creature, and what it
21 does, is it will not disclose a negative status until all the
22 appeal process is exhausted. So they're really two very
23 different systems.

24 As a result, SAVE has resulted in, when we use
25 SAVE, there are many fewer denials. For about three-quarters of
26 the year in 2011 we were running SAVE and FLLP, well, Collect
27 together side by side to try to figure out what it's going to

1 look like when we go with Real ID, and it was clear that there
2 were many cases, about twenty percent of the cases where Collect
3 would have given us a response that we had to deny, but they
4 gave us a lot more information, so we were on notice this person
5 doesn't have legal presence, whereas SAVE just gives us this
6 very unspecific response and as a result twenty percent of the
7 applicants are approved whereas they, they under the former
8 system would not have been approved for a license or a
9 non-driver ID.

10 So now, I'm ready to answer the questions that
11 you posed to us.

12 The first one is the State of Connecticut
13 issuing driver's licenses to people with temporary protected
14 status, and I already said we do, I can't tell you we always do,
15 it depends on the response that USCIS gets, but I do, I would
16 say this, that we met Jan and I and Commissioner Curry, we met
17 with several advocates of the organizations before going live
18 with Select CT ID. When we met with the American Association of
19 Immigration Attorneys, we weren't really sure, it was a good
20 idea, what we did give them our phone numbers, both of us, and
21 we kind of thought, well this is really we're going to get a lot
22 of calls and maybe our new job will be answering all these
23 attorneys' questions about why their clients are not getting
24 licenses and that has not been the case. I have not gotten a
25 lot of calls have you?

26 MS. RICHARDS: Not a lot of calls.

27 MS. BLACKWELL: Okay.

1 So I think that's kind of helpful in terms of
2 your question is just temporary protected status, but they
3 represent a lot of categories of people that I think are getting
4 licenses where they didn't in the past without changing our
5 standards.

6 Question number two was, can the State of
7 Connecticut currently issue driver's licenses to people without
8 immigration status under Select CT ID?

9 For a new credential, no, because one of our
10 requirements is legal presence. New applicants have to have
11 USCIS documentation, that's valid and not expired and they have
12 to receive that skeptical SAVE response. But for a renewing
13 customer, it's possible, because if the customer comes in we
14 only re-verify legal status if the customer asks for a verified
15 credential, and when we have met with other advocacy groups, we
16 have suggested that they should tell their constituencies that
17 they should not go to DMV and ask for a verified credential;
18 first of all there's no reason to get a verified credential
19 unless you're planning domestic travelling, you don't have
20 passport, and secondly we will be required under our policies,
21 procedures and the Law to run a safe inquiry. And once we're on
22 notice that a person does not have legal status, we would begin
23 the process of suspending the privilege. We haven't done that,
24 by the way, I don't know of any cases where we have needed to do
25 that, which is good.

26 Regarding the number of motor vehicle
27 accidents, I can't answer that, we don't get that data, I think

1 that's D.O.T. that gets that.

2 And the fourth question is, are there legal
3 issues that would prevent the State of Connecticut from issuing
4 driver licenses to people without immigration status, and would
5 that require a change in regulations or a change in the statute.

6 The statutes grant the Commissioner the
7 authority to set the standards for issuance. The Regulations
8 lay out the standards that she adopted, and then the Regulations
9 establish what documents and credentials, identity documents are
10 required, including immigration documents.

11 So a policy change of the magnitude that we're
12 talking about around issuing licenses or ID's to people that
13 don't have legal presence would require legislative action
14 whether that's to change the statute or to change the
15 Regulations because in Connecticut Regulations go through the
16 legislative review process.

17 Okay, I hope that was helpful and we can
18 answer questions.

19 Janet has much more hands-on experience and
20 mine is theoretical.

21 MR. DIAZ: Okay, I'll take this opportunity to
22 open up the floor for questions. Mr. Candelaria

23 MR. CANDELARIA: Okay, thank you.

24 MR. DIAZ: Mr. Candelaria, let me introduce
25 you --

26 MR. CANDELARIA: Yeah, we met briefly at Carlos
27 Candal.

1 MS. BLACKWELL: We did.

2 MR. CANDELARIA: And (inaudible) as well

3 MR. DIAZ: (Inaudible)

4 MS. LEBEAU: My name is Jacqui LaBeau, the
5 organizer, (inaudible)

6 MR. DIAZ: I take it you were involved in I91

7 MS. LEBEAU: (Inaudible)

8

9 MR. CANDELERIA: Yeah, yeah.

10 Just to clarify you said that if one applied
11 or has applied for (inaudible) status and then applies for a
12 license is that sufficient evidence or do they actually have
13 status --

14 MS. BLACKWELL: They --

15 MR. CANDELERIA: -- in order to qualify
16 for --

17 MS. BLACKWELL: What we have seen, experienced
18 is that when we learned this when we were running Collect as the
19 same time as we have SAVE, we weren't losing it in production,
20 what we call in production, but in my offices we were running
21 both of them to compare them and what we found for people in
22 that status Collect would tell us that a person was in that
23 status whereas SAVE only tells us this person has been approved
24 for a temporary, whatever I called it, yes, temporary employment
25 authorized.

26 MR. CANDELERIA: Right.

27 MS. BLACKWELL: So we say yes to that status.

1 MR. CANDELERIA: So this is clear, clarify
2 this, if somebody is married, gets married, and they apply for
3 adjustment of status, they will receive a receipt notice saying
4 that, you know, their application is being processed.

5 In the past the DMV Officers have accepted that receipt notice o
6 evidence that the person is undergoing some type of procedure
7 and then they've allowed that person go forward and obtain a
8 license. Then that changed and the local DMV offices required
9 that the people actually had to have a green card in order to
10 apply for a license, no longer just the application.

11 If I'm understanding what you're saying now
12 that one can apply for adjustment of status with that receipt
13 with that evidence under the SAVE procedure you could qualify
14 for a license.

15 MS. BLACKWELL: I think maybe it's the
16 identity itself, not legal presence. Some sort of identity
17 first and foremost is required, you have to have either a valid
18 passport, or a green card, as your primary identity document,
19 that's the first requirement, and then we look for some sort of
20 legal presence document and that could be a notice of action or
21 something of that sort, but the identity document would be the
22 first requirement, so maybe that's what they are referring to.

23 MR. CANDELARIA: Well if you apply for
24 T.P.S., you don't have a visa to come in, people are here
25 illegally, and under T.P.S., you're saying they could apply for,
26 if they are granted T.P.S., they could apply for a driver's
27 license.

1 MS. BLACKWELL: Well one of the things I said
2 is we can't say that everybody in that category, in any of these
3 categories is going to be approved, because they do have to
4 prove their identity, the elements that I talked about, identity
5 and Connecticut residency, full legal name and legal presence,
6 and so we can't tell you, like a hypothetical, this was
7 something that the immigration attorneys really wanted us to do,
8 is say everybody in this category, you're going to approve them,
9 right. Well, we can't say that, because you have to meet all
10 of those elements, you can't, they're all prerequisites.

11 MR. CANDELARIA: So they need to have legal
12 status --

13 MS. BLACKWELL: They need to have legal
14 status.

15 MR. CANDELARIA: -- in order to, okay --

16 MS. BLACKWELL: Yes.

17 MR. CANDELARIA: -- not simply the application
18 or proof that they filed it or received notification --

19 MS. BLACKWELL: No, cause you can't just,
20 right, because you know that you could be, you could have very
21 little documentation of your own identity and go to USCIS and
22 begin a process.

23 MR. CANDELARIA: However if you've been
24 granted a new, your status expires, you're saying that you could
25 still, at that point, qualify for a renewal of the license.

26 MS. BLACKWELL: If you already have a
27 Connecticut credential --

1 MR. CANDELARIA: Right.

2 MS. BLACKWELL: But you can't let it expire
3 for two years and while it's in the DMV and get a renewal.

4 MR. CANDELARIA: Okay.

5 MS. BLACKWELL: I mean people two years is
6 that, actually a statute that says that you got to maintain your
7 credential, if you have a good credential with Connecticut and
8 your legal status has changed and you don't ask for a verified,
9 you're going to be able to renew it.

10 MR. ROSADO: I just have a question in the
11 past you talked about those who were in the process of removal.
12 Can you just clarify that for me?

13 MS. BLACKWELL: Well, if a person once had
14 legal presence, you have to start with that -

15 MR. ROSADO: Right.

16 MS. BLACKWELL: -- but they're under removal
17 for some reason, maybe they overstayed their Visa, and then
18 I mean, you know, I don't really practice immigration law, I
19 don't know how people get into that category of removal status.

20

21 MR. ROSADO: That's what I was asking.

22 MS. BLACKWELL: What I'm saying is, is that
23 what you wanted to know --

24 MR. ROSADO: Sure, yeah.

25 MS. BLACKWELL: -- how you get into removal?

26 MR. ROSADA: How are those, and how are they
27 identified that they are in legal process. You're saying

1 removal, we're saying removal from, being removed from the
2 United States or from --

3 MS. BLACKWELL: It means this, it means that
4 the U.S. Customs and Immigration, they're moving to take your
5 status and saying you actually have to leave the United States
6 physically, and the law enforcement system that we once used
7 which was Collect would have reported that to us and we use that
8 as a basis for denying a driver's license or an ID, but it could
9 take years for USCIS to remove people.

10 And the good thing about SAVE is that they really focus on only
11 reporting status after due process is exhausted.

12 MR. ROSADO: Thank you.

13 MR. DIAZ: Werner.

14 MR. OYANADEL: Let me ask you the question
15 again, maybe I didn't understand the response. I think you
16 mentioned that people with Temporary Protected Status are
17 currently not getting drivers' licenses, but they are being
18 allowed by the USCIS to remain and work in the United States, my
19 question is, there shouldn't be any reason under this new
20 program to deny them access.

21 If I understand the process is correctly, you
22 would have a Federal government agency giving that individual a
23 work permit to work in the country, but how are they going to go
24 to work now if now they can't get a driver's license because the
25 DMV does not accept that federally-accepted document?

26 MS. BLACKWELL: Well, the Federal government
27 in that case is making the decision to not grant legal status,

1 they're not granting anything other than they're saying you can
2 stay here and you can earn a living, and we're completely aware
3 that there is disparities in unresolved areas in this area of
4 the law. But we do not think the DMV can resolve those things.
5

6 If somebody doesn't have the basic elements
7 that I talked about, then they're not going to get past the
8 process that we have in place in order for our credential to
9 have any integrity to it.

10 MR. CANDELARIA: That's a good question
11 because legal presence, I mean if the person's under Temporary
12 Protected Status, then they're legally allowed to be in the
13 country, so that would, so therefore one would assume it's legal
14 presence, if that's the case.

15 MS. BLACKWELL: Well, I think you would know
16 we're talking about a legal standard of legal presence not just
17 the fact that people happen to be here and they're not under
18 arrest.

19 MR. CANDELARIA: No, no, Legal Protected
20 Status, Temporary Protected Status, so they've applied, they've
21 been granted Temporary Protected Status, so that --

22 MS. BLACKWELL: What else do they have, right,
23 we're trying to feel, it depends, I think in my comments, what I
24 said was some of the categories that we now get approved, we
25 were not approving some people who had Temporary Protected
26 Status, where we never used to approve them at all. But it
27 requires that you have your entire, we cannot answer like in a

1 hypothetical will you issue to anybody who's got that status, no
2 we can't say that. I look at the whole picture what do they
3 have.

4 If you have a specific person and they are
5 denied, you know we have an appeal process, there's a review
6 process, and also you can request a Hearing.

7 MR. CANDELARIA: But if you're saying if you,
8 if they had the proper documentation, they can show the birth
9 certificate or identification, they show they have a temporary
10 --

11 MS. BLACKWELL: (Inaudible).

12 MR. CANDELARIA: Right.

13 -- and I guess the issue is legal presence,
14 right, and Temporary Protected Status, one would assume is one
15 is allowed legally to be in the country because you're
16 protected, because you can't go back to Honduras, you can't go
17 back to Salvador.

18 MS. BLACKWELL: We have tons of people in that
19 situation where we issue licenses to them. We have people that
20 are Haitian assigned leaves, we have, there's a lot of statuses
21 but if you're asking me to say that you have a hypothetical
22 person with Temporary Protected Status --

23 MR. CANDELARIA: No --

24 MS. BLACKWELL: -- I don't know what the facts
25 --

26 MR. CANDELARIA: -- no, no, it's the same as
27 if it was somebody who has status under an Immigrant Visa, the

1 question is, is that equivalent of an Immigrant Visa or a
2 Non-Immigrant Visa, a Special Visa, is T.P.S.' equivalent to
3 that in order to obtain a driver's license, all other things
4 being equal.

5 MS. BLACKWELL: Yes, they give their identity,
6 first we look for their identity documents and if they prove
7 that, and then we get notification of areas that are designated
8 T.P.S. status and they're in that designation, it would say that
9 the current employment authorization document that the applicant
10 has may be extended for "X" period of time, and if USCIS grants
11 that, then we honor that --

12 MR. CANDELARIA: Okay.

13 MS. BLACKWELL: -- we get that notification
14 and as long as we, you know you just have to remember we start
15 with identity, so as long as they provide us with the identity
16 documents, they have a valid form task for it, and then we know
17 the Temporary Protected Status has been granted and they come in
18 with, they could come in with an E.A.D. that's been expired. As
19 long as we have that notification from Immigration that says
20 that E.A.D. has been extended for whatever the period of time,
21 we can honor that, and as long as when we, like we were saying,
22 as long as we run that on SAVE that immigration comes back with
23 that same message and says that this person is eligible to be
24 issued the card, then we would issue it.

25 MR. CANDELARIA: Right.

26 MS. BLACKWELL: We would issue it, and that's
27 how the T.P.S. works.

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1 MR. CANDELARIA: That's good.

2 MS. RICHARDS: I'm going to present a huge
3 hypothetical situation and (inaudible).

4 What if the Governor of Connecticut and the
5 Commissioner and the Legislature all supported the idea of
6 anyone, you know passing the tests and things and has
7 identification who they are including undocumented immigrants,
8 could come in as a new applicant and get a license that allows
9 them to drive but not to use to it until you get the non-select
10 license, and the Legislature supported that, you know,
11 overwhelmingly, would there be a way to draft something, all of
12 those people working together that would allow that second
13 license to be available to new applicants and not violate
14 Federal Law?

15 MS. BLACKWELL: What Federal Law, you mean the
16 Real ID?

17 MS. RICHARDS: Anything, the Real ID is
18 probably the one, but any one.

19 MS. BLACKWELL: I don't feel qualified to
20 answer that. A wonderful hypothetical though.

21 MR. OYANADEL: Let me go back to the
22 adjustment status question and I will give you a hypothetical
23 question too.

24 A student overstays their Visa and their
25 passport expires, they marry a U.S. citizen, the Federal
26 Government issues that person a temporary or an adjustment of
27 status, and they give that person that ticket, if they go now to

1 get a driver's license, a non-verified license, they are going
2 to be able to show a document that it's approved under Federal
3 Government that you are legally to be able to stay here, but
4 their passport will be expired, therefore, the DMV is not going
5 to accept that application because the identification documents
6 are not valid, is that the case?

7 MS. BLACKWELL: That exactly, cause we would
8 look for a valid passport which is considered the primary
9 identity document which is a separate requirement than legal
10 practice.

11 MR. OYANADEL: Okay.

12 MS. BLACKWELL: Cause you're describing a new
13 applicant --

14 MR. OYANADEL: A new applicant.

15 MS. BLACKWELL: -- with new credentials.

16 MR. OYANADEL: Correct. And you have --

17 MS. BLACKWELL: Not a renewal applicant.

18 MR. OYANADEL: An applicant that was
19 undocumented and that person adjusted their status, it's in the
20 process of getting a documentation from the USCIS, but it
21 doesn't have a valid passport, that person would not be able to
22 get a driver's license until that passport is somehow validated
23 again.

24 MS. BLACKWELL: Exactly.

25 MR. OYANADEL: Thank you.

26 UNIDENTIFIED VOICE: And my question is going
27 back to the part where you said that you know the Federal Law

1 sometimes it doesn't quite goes with what you're working in the
2 State of Connecticut, would that be something that more likely
3 the Commission you know itself cannot change or will that have
4 to be something that we have to work through Legislation to have
5 some kind of a comment language that will agree with the Federal
6 language if a person is here with a Working Visa you know to be
7 able to acquire a driver's license.

8 MS. BLACKWELL: I think it requires whether
9 you do it to a Regulation or a Statute that requires that the
10 Legislation act on it, and you know there's only three states
11 right now that issue licenses or credentials of any sort to
12 undocumented non-U.S. citizens. And one of those is ruled in
13 the Legislature in Mexico is moving to impose a legal presence
14 requirement so movement in the States is not in the direction of
15 eliminating legal presence. It is really in the direction of
16 making it so that all the states require legal presence.

17 I don't know the answer to that, and you know
18 it's confusing because there are a lot of states that they have
19 legislative statements against the Real ID, however, because
20 what I was saying that its presence practices, a lot of states
21 are adopting those practices to insure the integrity and
22 reliability of their credential.

23 UNIDENTIFIED VOICE: Thank you.

24 MR. WISHNIE: Our agency is specifically is
25 part of the Executive Branch as you are aware. Because of that
26 we really don't comment on policy, on what we feel the policy,
27 that's more of a question for I think State Representative

1 Candelaria.

2 We appreciate this as more for the
3 Legislature. If our state chooses to adopt a specific statute,
4 we're here to enforce it, that's what we do in our agency, we
5 just enforce the law. We take no policy or opinion about
6 specific statutes. So we have to make sure we enforce the
7 statutes on a neutral and objective basis, and I
8 can tell you what we do is we do rely on Collect in our system,
9 so if we pull over a vehicle or if we're investigating a motor
10 vehicle accident whatever it may be, we run a person's identity
11 through Collect. If it shows they have a valid driver's license
12 or not, that's the enforcement we take. That's as brief and as
13 simple as I can be on that. Again, I think you appreciate
14 (inaudible) that's what I'm here for.

15 With respect to the questions that you posed
16 to our agency, those questions are actually better directed at
17 the Department of Transportation, D.O.T., Connecticut State
18 D.O.T.'s essential repository for the records of motor vehicle
19 accidents. Basically what happens is when an officer, a state
20 law enforcement or local law enforcement officer they
21 investigate for example a motor vehicle crash, that's what you
22 call a PR14, on the point itself there are certain codes that in
23 our division, our crime analysis unit, we enter in codes, those
24 codes are sent over to D.O.T. What I mean by codes are does the
25 operative have a valid driver's license or not, so on and so
26 forth, what was the injury, what was the damage, all that
27 information that you were looking for a D.O.T. should be able

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1 to give you that. That's my statement.

2 MR. DIAZ: Right.

3 MS. BLACKWELL: Does that include residents
4 and insured?

5 MR. WISHNIE: Yes, that's captured in the
6 PRO4.

7 MR. CANDELARIA: I have a few questions.
8 So as the Head of the Department of Emergency Services and
9 Public Protection, I guess the question would be there is a
10 purpose for people to go through training, obtaining, passing
11 the driver's exam, right, a public safety benefit to that.
12 Would you have any idea as far as you know as numbers or
13 percentages of people that are involved in accidents that may
14 not have a license in general or --

15 MR. WISHNIE: No, you know to be fair to give
16 you an accurate answer D.O.T. would be better. The reason I say
17 that is we're only half of the picture if you will. When we
18 record our information it goes to D.O.T., we're just on the
19 state side, State Law Enforcement, you still have half of the
20 state that's covered by local law enforcement officers, and they
21 have their own records and they also forward those records over
22 to D.O.T. so to get an accurate number and information they're
23 looking for, you would have to go through them.

24 MR. CANDELARIA: But it would definitely be
25 helpful for individuals, all individuals that are driving to go
26 through training and pass the State of Connecticut Driver's
27 License Certification.

1 MR. WISHNIE: Absolutely.

2 You know one thing I should note immigration
3 itself it's a Federal question, it's jurisdiction and Federal
4 and the Federal law enforcement side, and the law enforcement
5 side, state, locals, we have no jurisdiction whatsoever. We are
6 not authorized to enforce immigration. It's solely a question
7 of Federal jurisdiction.

8 MR. CANDELARIA: I guess a question a concern
9 we have is there's so many people that are driving on the roads
10 without licenses, right, because they can't qualify for one
11 legally because of their immigration status, wouldn't it make
12 sense to allow them the opportunity, there would be a benefit
13 obviously if they were able to go through some type of training
14 right, to maybe cause less
15 accidents -

16 MR. WISHNIE: There is a benefit for everyone
17 in --

18 MR. CANDELARIA: Right.

19 MR. WISHNIE: -- and no matter the
20 immigration status I think here is, is not indeterminate factor
21 I think everyone who's driving a vehicle should go through some
22 sort of training.

23 MR. CANDELARIA: So the roads may be made
24 safer potentially if immigrants were allowed to go through
25 training.

26 MR. WISHNIE: Well I won't take a position on
27 that. I can't take a position on that again because I'm more on

1 the enforcement side of the law so it's better if we just remain
2 we're committed to enforcing the laws that are on the books and
3 that's more of a question for the Legislature to answer it.

4 Mr. CANDELARIA: But it's good to have the
5 input -

6 MR. WISHNIE: Sure.

7 MR. CANDELARIA: -- there may be less
8 accidents caused if somebody is able to go through training.

9 MR. WISHNIE: Absolutely.

10 MR. CANDELARIA: Right?

11 MR. WISHNIE: Absolutely

12 MR. CANDELARIA: Okay. I don't know if
13 anybody else has any questions.

14 MR. CRUZ: Any more questions, thank you very
15 much for your time.

16 MR. WISHNIE: Thank you.

17 MR. CANDELARIA: Thank you.

18 MR. CRUZ: This is a Fact Finding Hearing
19 pursuant to Statute we have to meet and report it.

20 MR. OYANADEL: And through the chair you may
21 also want to give a reasoning and background why you're doing
22 this to the speakers.

23 MR. CRUZ: Sure.

24 The Latino and Puerto Rican Affairs Agency is
25 Agency is a commission that's commissioned that was created by
26 the statute in order to assist the Connecticut General Assembly
27 with implementing policies and legislation that could meet the

1 needs of the Latino community in five specific areas. Health,
2 education, public safety, self-sufficiency and determination.

3 The purpose of this Fact Finding Hearing is
4 because statute requires us to do our homework so to speak
5 before we make any proposals for legislation and want to attend
6 to, that's the reason why we invited so many different people
7 from different backgrounds and locations for this Fact Finding
8 Hearing today. So without further ado, I'd like to pass the
9 board to you guys to introduce yourself.

10 MR. WISHNIE: My name is Mike Wishnie. I
11 teach at Yale Law School. Thank you very much for this
12 opportunity to come before you and I very much apologize, we
13 were stuck in traffic on 91 there was an accident or something;
14 thank you for accommodating us with this schedule.

15 MR. SHAYAK: My name is Shayak Sarkar, Law
16 Student at Yale. (Inaudible)

17 MR. CRUZ: Welcome.

18 MR. SHAYAK: Sorry again for the incredible
19 delay. I prepared some remarks, so I'll be brief. So my name
20 is Shayak, as I mentioned, for the past few months I've been
21 representing Connecticut Religious Congregations organized for
22 Youth Connecticut. It's an inter-faith coalition of over
23 twenty-five congregations, and it's all over and it was founded
24 this past November in the presence of thousands of congregation
25 members, community leaders and Governor Molloy.

26 Connecticut, Connect's platform for Youth
27 Connecticut includes four divisions, the first three of which

1 are making job training more effective, addressing the state
2 foreclosure and prices and improving health care and health care
3 insurance premiums, the fourth and final division is for safe
4 travel, which includes drivers' licenses for immigrants,
5 regardless of status so I've come here today on behalf of
6 Connect to present the research that we've done in preparation
7 of this platform.

8 The goal of my testimony is to convey our
9 legal and economic research which first indicates that the State
10 of Connecticut has the authority to issue licenses to
11 undocumented residents, second three other states have such a
12 process and third and finally we calculate them for permitting
13 Connecticut residents to obtain licenses and register their
14 vehicle to yield revenue benefits of close to three million
15 dollars actually.

16 So to begin with Realize-E, the main legal
17 obstacle in issuing these licenses is (inaudible) the Federal
18 Realize-E Act, we conclude however that the plain language of
19 the Realize-E Act and its implementing regulations issued by the
20 Department of Homeland Security confirmed that Connecticut is
21 fully authorized in issuing licenses without regard to
22 immigration status.

23 In addition, DHS has repeatedly delayed the
24 implementation of the Federal Statute in part due to technical
25 challenges, and in part to sustain opposition to the law from
26 other states.

27 It is far from clear that Realize-E will ever

1 take it back, again, however, our main point is that is even if
2 Realize-E does ever take effect it is in no way prohibiting
3 Connecticut from issuing licenses with regards to immigration
4 status.

5 This Select Connecticut Program is completely
6 permissible under Federal Law, and this is the future that
7 currently exists, and within that future program, Connecticut is
8 authorized to issue licenses for undocumented immigrants.

9 In fact the final rule regarding the minimum
10 standard for Realizing Youth promulgated in 2008 assume that
11 states could implement the return of identification and our
12 licensing systems. To quote from the regulation, "this
13 regulatory evaluation assumes that states will apply the two
14 tier or multiple licensing system".

15 Connecticut now offers a Select ID
16 which is Real ID compliant and therefore should be accepted by
17 Federal Officials after January 15, 2013. One (inaudible) on
18 the Select ID Application process is to verify legal presence.
19 However, the document checklist
20 explicates if the length of legal presence is unknown or expires
21 before a full license term which is six years. The applicant is
22 not qualified for a verified driver's license or ID Card.

23 The state, therefore, cannot respectively
24 issue a driver's license to people without immigration status
25 under SELECT CT., moreover even those with Temporary Legal
26 Presence are excluded.

27 The second (inaudible) of the Secretary of

1 Homeland Security has designated with Temporary Protected Status
2 have scheduled an expiration dates in or before 2013.
3 So in response to the Commission's Questions, since T.P.S. will
4 be expired in less than six years, we do not predict people
5 under T.P.S. despite having legal presence, will be able to meet
6 the legal presence requirement under Select CT.

7 However, as authorized by the Federal
8 Regulation Connecticut has chosen to continue to offer non-
9 Real ID licenses as well but only to those seeking to renew
10 their license, not new applicants. The new Select ID Program is
11 currently only at the MV policy and is not covered by
12 Regulation. Changes to its administration are at the discretion
13 of Commissioner Curry.

14 Not simply by changing the DMV Regulations,
15 undocumented immigrants may have access to driver's license and
16 this does not conflict with Federal Law. Realizing it does not
17 further with this, and it's possible for Connecticut to fulfill
18 the Federal mandate and violate mail law by continuing to offer
19 future licenses if it includes a non-Real ID compliant license
20 that undocumented illegal's can have access to.

21 In terms of the time line, a bipolar
22 explanation of the act and it's time line, in 2005 Congress
23 passed Realize-E Act which requires each state to offer
24 Realize-E Compliant Licenses to its residents by the Statute's
25 effective date. To reduce states to issue a Realize-E Compliant
26 License a Federal Law stated that there were minimum standards
27 that Realize-E Complaint Licenses needed to adhere to.

1 After the effective date, the Federal Agency
2 may not accept for an official purpose a driver's license or
3 identification card issued by the state unless the state is
4 meeting their (inaudible) of the act. In the actual (inaudible)
5 itself it says that it can meet the requirements of the act by
6 having (inaudible) licenses due as long as the non-Real ID
7 compliant IDs are designated by a particular designs or
8 particular colors and are made obvious to Federal officials.

9 In addition to excluding undocumented
10 immigrants from the ability to obtain Real ID compliant
11 licenses, the Real ID Act requirements include some of legal
12 immigration statuses as well, including persons granting legal
13 renewal, persons relevant to the United States, applicants who
14 were not in (inaudible) and those under T.P.S. as I earlier
15 mentioned.

16 (Inaudible) or Real IDs raises serious
17 concerns for (inaudible) immigrants because their status must be
18 their status must be there and by SAVE a department of Homeland
19 Security database with document deficiencies. In short, the
20 Federal Law if ever takes effect will require Connecticut to
21 issue a Real ID compliant license since Connecticut began
22 offering such a license since October 2011 the state is fully in
23 compliance almost one and a half years in advance of the current
24 effective date.

25 But the more important plan is that nothing in
26 the text of the Real ID Act or in DHS is implementing
27 Regulations for each state from offering a second license as

1 well, one that satisfies state standards but which may depart
2 from the Federal Rules governing Real ID compliant licenses as
3 long as it's made obvious.

4 So to discuss a little bit about experiences
5 in other states, three states currently continue to make
6 driver's licenses available to undocumented immigrants, Utah,
7 Washington and New Mexico.

8 Prior to 2005 undocumented immigrants had
9 access to driver's licenses in Utah and in 2005, the state
10 enacted a lawful presence requirement for state driver's
11 licenses; however, at the same they enacted a driving privilege
12 card that is available regardless of proof of lawful status in
13 the United States. The card gives the holder the right to
14 drive, but exclusively states on its face that it is not a valid
15 form of government identification and should not be used for
16 that purpose.

17 Since the passage of Utah's law in 2005,
18 there have repeated efforts to repeal it. In March 2011, a bill
19 to repeal the driving privilege card provision was introduced.
20 That bill was unsuccessful, yet a bill that creates additional
21 hurdles to obtain the driving privileges card replaced it.

22 The bill which was enacted requires a person
23 applying for a drivers privilege card to submit fingerprints and
24 criminal background check at the applicant's expense. Those
25 requirements went into effect on July 1st, 2011.

26 Unlike Utah, Washington does not differentiate
27 between the drivers' licenses issued to those who can prove

1 lawful status and those who cannot. The Senate in Washington
2 put in several different licensing bills in March 2011; some of
3 which would create a system similar to Utah's, others that would
4 have eliminated access to drivers' licenses entirely for those
5 without lawful status; however that bill came to a vote on March
6 7th, 2011, and failed in the twenty-five to twenty-three votes.

7 Similar to Washington, New Mexico currently
8 allows immigrants without proof of legal status to access
9 driver's licenses on equal terms with our residents of the
10 state. The law sending out (inaudible) was passed in 2003.
11 Recently the issue has been in the Legislature. It's been
12 central to Republican Governor, Suzannah Martinez, who wishes to
13 repeal the 2003 Law. Although repealing the 2003 Law was
14 introduced last winter, it passed the House of Representatives,
15 but failed in the Senate. The sponsored plan to reintroduce the
16 bill in September, but at the last minute restated it, that they
17 did not have enough votes to bypassing this Committee, and
18 passed it in the House.

19 Under the Hofstetter (phonetic spelling)
20 Administration, the application process has tightened
21 and the Houston Chronicle reported that (inaudible) licenses had
22 dropped fifty-seven percent during the first seven of the
23 governor's administration. In August 2011, the Governor ordered
24 the state to revert, to re-verify the residence of all foreign
25 nationals with New Mexican Driver's Licenses. A Federal
26 District Judge in an action brought by (inaudible)
27 housing the program has preliminarily joined that order.

1 So these three states Utah, Washington and New
2 Mexico thus continue to offer driver's licenses to undocumented
3 populations and provide an incentive by which Connecticut can
4 follow up.

5 So in terms of the economic analysis, we
6 project revenue benefits that the State of Connecticut could
7 gain at a figure nearly \$3,000,000.00, 2.16 million dollars in
8 car registration revenue and \$624,000 in drivers' license fees.
9 This is just from undocumented immigrants who would gain access
10 from licenses; this does not include legal immigrants like those
11 under the T.P.S. who would also contribute to enhanced revenues
12 so these estimates throughout the process that we have discussed
13 are very conservative.

14 So diverse estimate the number of cars
15 unregistered but owned by undocumented immigrants you can go
16 through an interesting experiment of a recent Ohio statutory
17 change.

18 Ohio revised its laws in 2009 to require a
19 obtainable social security number, driver's license number, or
20 state identification number, after the change the Ohio Bureau of
21 Motor Vehicles that let more individuals at the registration to
22 be cancelled unless they produced the newly required documents.

23 Due to the more stringent identification
24 requirements, Ohio identified those registrations that were not
25 compliant, and allowed for three months for individuals to
26 update the registration. Only a small fraction complied and
27 about forty-five thousand registrations were cancelled in that

1 state with twelve million registered vehicles, which we can
2 assume to be the number of vehicles owned by undocumented
3 drivers at that time in Ohio.

4 If we assume the ratio of vehicles owned by
5 the undocumented to the overall undocumented population equal
6 across states we then estimate fifty-four thousand unregistered
7 vehicles undocumented immigrants in Connecticut based on
8 estimates from Pew Research Center. This figure is larger than
9 that for Ohio because while the overall population of Ohio is
10 nearly three times as large of that Connecticut, Connecticut's
11 estimated undocumented population exceeds that of Ohio.

12 To calculate the number of undocumented
13 drivers, we have the second assumption of assuming the ratio of
14 overall vehicle registration to licensed drivers in the State of
15 Connecticut, when that state applies to the undocumented
16 unlicensed driver community as well. This would give us about
17 fifty-two thousand drivers. This has lead the Conservatives
18 into such demographics of the undocumented community would
19 suggest that more drivers share cars in the general population.

20 Nonetheless the estimate of fifty-four
21 thousand unregistered vehicles and about fifty-two thousand
22 drivers which combine with the annual vehicle fee and drivers'
23 license fees in Connecticut suggest 2.16 million dollars in
24 registration revenue and \$624,000.00 in annual drivers' license
25 fees for a total of \$2,784,000.00.

26 We also have not included the \$40.00 DMV
27 examination fees since we assume the marginal cost of actually

1 administering a driving test is somewhat high, so then that
2 revenue here may be close to zero, but even if this revenue is
3 close to zero, more examinations means more public employment
4 because we'll have to hire examiners which is a social issue of
5 itself.

6 But again our estimate is conservative to make
7 a point. Moreover our estimates also do not include the
8 possible economic stimulus from promoting car purchases from
9 Connecticut dealers and related automobile maintenance and
10 accessory costs, if people's inclination to purchase automobiles
11 responds positively to registration availability a very feasible
12 proposition.

13 And even more broadly speaking there are left
14 to be large gains for enabling people to have more mobility in
15 their job searches which would rectify market inefficiencies.

16 So in conclusion, our research for Connect
17 demonstrates that providing licenses to immigrants through
18 (inaudible) and documentation centers is not only legal but
19 economically beneficial.

20 First, the plain language of Real ID and DHS
21 is implementing English and it is confirmed that Connecticut is
22 fully authorized in issuing licenses to immigrants, provided
23 only that the state also issue a Real ID compliant license,
24 which it does in the current SELECT CT System.

25 Second, Matching Connecticut's own statutes
26 permits DMV permission licenses and registration to residents
27 regardless of their immigration status, the obstacle is merely

1 if a DMV Regulation is powerful.

2 Third, Real ID's persistent delay suggest it
3 may never go into effect, and if it does the statute does not
4 percolate into your system where driver licenses which are not
5 valid for Federal ID can be issued.

6 This is in fact that it's a current policy and
7 a current regulation can expand access to all immigrants and
8 simply resume for license renewal.

9 Fourth, it's like Utah, New Mexico,
10 Washington, offer concrete examples of this capacity. The
11 economic revenue benefits even when interpretively estimated are
12 significant and suggest, as I mentioned before a stable
13 additional three million dollars in revenue.

14 I would be happy to try to answer any further
15 questions you might have.

16 On behalf of Connect I thank the Commission
17 for the opportunity to present our message.

18 Q. Regarding to the three states that you
19 mentioned that already have the system for some time line, Utah,
20 Washington, New Mexico, are you aware whether or not, perhaps
21 you've come across in your research, if their Legislatures voted
22 to adopt the Federal Legislation or the Real ID Federal
23 Legislation as Connecticut has.

24 A. I'm not positive but I don't think all
25 of the states are opting out of the idea.

26 A. I'm not sure either but I think the,
27 first of all realize these effective dates (inaudible) there's

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1 every reason to think it's going to be postponed based on
2 opposition from many states so Connecticut's jumped the gun by
3 offering Real ID compliant card year starting in October, but
4 they didn't have to do that. The deadline for clients with Real
5 ID as we sit here today is 2013 so the (inaudible) a year and a
6 half.

7 In addition, you asked if the Legislatures had
8 adopted provisions in their states, the important point here is
9 that currently it's purely a function of DMV Regulations that
10 the licenses issued in Connecticut and registration in
11 Connecticut are not available to persons without immigration
12 status. It's not a function of Real ID to tether along even if
13 ever does come into effect, Shayak explained the Federal Law
14 expressly approves a two tier system that Connecticut has, and
15 second it's not a function of State Statute. Connecticut's
16 State Statute of DMV leave it to the discretion of the
17 Commission where no state statute needs to be amended to allow
18 the DMV to start issuing driver's licenses more broadly, it's
19 purely a regulatory choice of the Commissioner. I know Miss
20 Reynolds and Miss Blackwell don't like to hear that. I've
21 talked about this with them before. They said oh you got to go
22 to the Legislature we need to check the Statute. That's not so,
23 as far as our legal analysis says that's not so it's purely a
24 regulatory choice by Connecticut, it is not compelled by Federal
25 or State Law.

26 Q. What they were saying when they were
27 here was that Connecticut is the only state of the Union that

1 has a Legislative Review Process for Regulations so therefore
2 the Legislature has to approve changes in Regulations.

3 A. Yes, that is, I don't know about every
4 state in the nation, I haven't been in all of them, but it's
5 true in Connecticut that regulatory changes get submitted to
6 the Legislature, but that's a different process, I don't need to
7 explain which process to you and to (inaudible) but that's a
8 different legislative process than introducing a bill, passing
9 both Houses, go for a signature. There's a streamlined object
10 but it begins with submission of the Regulation. It doesn't
11 begin with the bill introduced into the Legislature. But if
12 that's what the Commission, that is true, but what triggers that
13 process is DMV bringing to the Legislature the proposed
14 Regulation.

15 A. And then kind of only if somebody
16 objected to the problem, is, say that can come to a public
17 hearing maybe.

18 Q. So our understanding is --

19 A. Actually that's reviewed by the
20 Regulations Review Committee. The ultra center regulation we'll
21 discuss and will review it and, yeah you finish that and then
22 we'll take it up for both on that topic.

23 Q. So there is an actual vote of the entire
24 Legislature --

25 MR. ROSADO: Of the Committee.

26 MS. RICHARDS: Of the Committee.

27 MR. ROSADO: Of the Committee.

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1 MS. RICHARDS: Not the rest?

2 MR. ROSADO: Not the rest.

3 A. There's a process where it's
4 submitted

5 to the Attorney General, he has thirty days to comment, but if
6 the Attorney General makes no comment then it goes forward,
7 there is a thirty day waiting period for the Attorney General,
8 so there is a procedural step, but it does go through ordinary
9 legislative process, it's a streamlined one, it's much simpler,
10 but again, the regulatory process begins with the agency coming
11 to the Legislature saying okay here's on your reg, but if there
12 are any problems here, and I think the overwhelming majority
13 regulations are crude in all the sector of this process. This
14 might change the truth or potentially any other regulations but
15 the point is that it doesn't require a statute, there could be a
16 statute, we could say we are going to rewrite the statute to
17 mandate it but that's not necessary. And I think that in our
18 conversations with the (inaudible) is really not us, you have to
19 talk to the Legislature and then again this could pass the
20 statutory (inaudible) is not necessary, it's kind of (inaudible)
21 to start this process.

22 A. And when they declare bias that when
23 it

24 goes to the Attorney General, the purpose of that is to
25 determine the efficiency. So the Attorney General would be
26 passing onto the Sub-Committee who will determine whether it
27 conflicts with existing Federal recent law.

1 Q. So taking that one (inaudible)
2 with the passage of the Attorney General, Connecticut if I'm not
3 mistaken did vote to approve the Select ID Program. What types
4 of potential conflicts of law could the Attorney General face in
5 the event that the DMV decided to pass a Regulation if I'm not
6 mistaken with legal presence being one of the requirements, what
7 types of conflicts would that potentially create?

8 A. Again in our view not because, first
9 of
10 all Federal Law has not taken effect yet. It takes effect in
11 2013, it gets postponed by Republic and Democratic
12 investigations repeatedly. Already, it faces widespread state
13 opposition. So there's everything like that, they will continue
14 to postpone it. But even if it was in effect today, the Federal
15 Statute in its term Section 202E11, the Federal Statute in
16 implementing Regulation 6CFR37271, is exclusively saying what
17 states must do is offer a Real ID compliant license and if you
18 do that, it's also okay to offer other forms of license that
19 don't realize the standards, as there are two tier so you must
20 offer the compliant license. As long as you do that, you can
21 also do something else, so Connecticut is now in compliance with
22 the legislation because of the Select ID License does have
23 special license requirements. Given that Connecticut jumped the
24 gun (inaudible) and complied with your licensing that means the
25 door is open to Connecticut. In fact, I think DMV agrees with
26 much of this because they do have a continuation two tier
27 system, it's just a narrow two tier system, that is, my

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1 understanding is that the Select ID now which is really like the
2 compliant and what they're doing is continuing to renew existing
3 licenses for people who cannot get a Select ID based on the
4 immigration status rules, but people just like the renewals,
5 student (inaudible) or student visa or H1V High Tech Worker, or
6 a similar T.P.S., whatever agrees to go legal, but if they're a
7 new applicant they're not going to get that regular licensing.
8 Connecticut agrees that they can offer a non-Real ID compliant
9 license, and we're doing it today, but the problem is
10 (inaudible) with Connect, they're offering that to Maryland, and
11 there you have a two tier system, that's the optimum legal
12 solution and I think that I agree with them is I just think they
13 should open the eligibility, extend the eligibility for the
14 non-Select ID for all public safety and revenue and other
15 business (inaudible).

16 A. Adding one point to that is an
17 undocumented immigrant who currently has a driver's license
18 doesn't realize the difference between the Select CT ID and the
19 regular driver's renewal and accidentally applies for the Select
20 CT, not only will they be denied the Select CT ID, but they'll
21 actually lose their license as well. So our conversations would
22 indicate about making communities aware of that to assure that
23 people who don't have status don't apply for Select CT, because
24 its repercussions are really large.

25 MR. DIAZ: Do you have a question?

26 Q. I don't know, do you want to go I have a
27 few.

1 Q. I just have a quick one.

2 Any possibility of a lawsuit here because some people in
3 identical be denied some kind of (inaudible).

4 A. First they haven't looked at it
5 In that direction, I think, my hope is that these minds can come
6 to an agreement, I think widespread recognition of public safety
7 and revenues benefits the State of Connecticut, withstanding
8 accidents, bringing people into this loop so that people on the
9 road know who they're dealing with, so that regulators can do
10 the whole thing.

11 We have to look them as the first group, but (inaudible).

12 Q. Yes.

13 A. I would like to think that we just have
14 to go through the course.

15 Q. Hmmm, hmmm.

16 Q. Is there any idea regarding revenues in
17 savings, if people are allowed to get licenses, they are going
18 to be allowed to register the cars and also obtain insurance.
19 How many accidents are caused every year with people involved
20 who don't have insurance? Connecticut residents insurance rates
21 go up. It's got to be some type of cost savings to the public
22 in general, as well as all the cases that are prosecuted in the
23 Courts for people who don't have licenses that don't have
24 insurance, that don't have registration, thousands of cases a
25 year, right, there's got to be an estimate of you know police
26 man power, prosecutor's time, co-defenders time, judicial time
27 resources, and then also safety, I mean how many accidents are

1 caused every year, how many accidents occur every year, and how
2 many of those involve people who aren't allowed to obtain a
3 license and go through the training procedure. There may be ten
4 or twenty percent less accidents of those people involved if
5 they are able to obtain proper certification, right, there's got
6 to be millions of dollars worth of savings potentially to all
7 citizens, I'm not sure if that's something that you're able to
8 calculate somehow.

9 A. Yes, we haven't actually looked in the
10 specific statistics, we've started trying to find studies that
11 will get (inaudible) regarding public safety and those are
12 actually hard to come by, hard to find the terms are never
13 really clear like identification records, and that we can say is
14 causal, so that's sort of something we're going to treat over
15 the next few months, and we would be happy to share those
16 estimates.

17 A. We saw those questions and questions
18 propounded and I'm sorry that we don't have very good numbers, I
19 think all of the assumptions you're stating is entirely
20 plausible. I'm glad that the police don't know which code
21 immigration status of everyone they arrest so it's a little
22 harder to extract the data of how many traffic violations you
23 know per year or how many tickets for driving without a license
24 or registration, two people who could but don't have them, so I
25 wish I had the numbers but I'm sorry I don't.

26 Q. Or maybe there's some type of distinction
27 between is it more likely that somebody is going to be involved

1 in an accident with having gone, unless like they've gone
2 through training as opposed to those who haven't, and then
3 figure out fifty-four thousand immigrants who don't have
4 licenses and some type of cap.

5 Q. And (inaudible) the Department of
6 Transportation has statistics for every accident including
7 whether they have a license or insurance and that's not
8 (inaudible).

9 A. Yes, D.O.T.

10 COLLIQUY INAUDIBLE

11 Q. In your research, did you come across how
12 these states, Utah, Washington, and New Mexico, how do they when
13 they issue the driver's license to an undocumented person, how
14 do they identify the identity of that individual?

15 What credentials are they using?

16 What credentials are they using to identify
17 them?

18 A. So Utah, I know, uses the ID which is
19 the illegal tax identification number issued by the IRS.
20 Basically people have Federal income tax obligations regardless
21 of their status so the IRS in some places is working,
22 (inaudible) government agencies, in issuing this number
23 regardless of status, so that becomes the basis.

24 A. There must be more, and I don't know
25 the
26 answer I thought we would be glad to provide that to you what
27 kind of verification or identity or so forth it is in those

1 states..

2 Q. I see from Letslik's (phonetic spelling)
3 point of view is one of the (inaudible) but how can we identify
4 that that (inaudible). I'm curious to know what those other
5 states are doing, (inaudible).

6 A. Well we'll be happy to supply that. It
7 is the case that the DMV currently has a two tier system, and a
8 regular license is issued to non-citizens so they're already
9 have a system in place which must be accepted at this point, and
10 ask for birth certificates or whatever the documentary
11 requirements are, they're already relying on them to issue the
12 non-Select ID licenses today.
13 It might be useful to expand those slightly again. I think this
14 a matter of regulation not statue, and certainly in New Haven
15 for instance who you've had the experience with the
16 LC Resident Card of thinking hard about what kinds of documents
17 are necessary to establish identity and residence (inaudible).
18 I know my clinic became involved in that after I noticed the
19 conversations we were in that the Federal Government had an
20 input as to how to insure (inaudible) documents using forensic
21 analysis to be able to distinguish
22 (inaudible). They had lots of suggestions for City of New Haven
23 which the City of New Haven was glad to adopt to insure that
24 they actually were verifying identity of residents. But I think
25 the DMV's part (inaudible) involved in.

26 Q. Thank you.

27 Q. At the beginning of your testimony you

1 mentioned the organization that you're working with and you also
2 spoke about a public event where the Governor was actually
3 present. From the testimony that we heard of that meeting that
4 we held a few months ago, we heard that the Governor was asked
5 the question as to what his position would be with giving
6 licenses to undocumented immigrants. Could you tell us what the
7 response was at the time?

8 A. I don't think they were taping that, just
9 like you guys were taping this. We were both there. The
10 Governor was asked whether in principle he supported national
11 licenses and registration without regard to immigration status.
12 His answer was "yes". He then spoke in particular about the
13 need to obtain insurance, insurance for all drivers because of
14 the effects on insurance as well as everybody else. So he then
15 spoke about mutual insurance. But his answer for the use of
16 these in principle was "yes".

17 Q. And the next question that I have is you
18 mention that there may be a couple of ways of changing this, one
19 of those of course would be through regulation and you explained
20 that process, and also through statute.

21 With your research and experience on this
22 topic what would you suggest to the Committee as to how we
23 should move forward if we decide to make a recommendation,
24 statutory change or via regular change?

25 A. I hesitate to say too much because
26 the
27 Committee, there's a lot of years experience around this table

1 and a lot of expertise about this question. It strikes me that
2 regulatory process is often faster. It can be a stroke of a pen
3 essentially if DMV and then it goes through much (inaudible)
4 process; and therefore it might be less burdensome and in a way the
5 question is why not, why argue if they gain the two tier scheme
6 you already have in place more accessible to more Connecticut
7 residents for all its reasons. That is in no way a resistance
8 to new Legislation but you know it's a short session this year,
9 it's already late January with realistic prospects of moving
10 until the session seems to be diminished, and at this point to
11 give (inaudible) whereas again the regulatory process is a
12 well-established process in Connecticut, it's a (inaudible)
13 process, and I think the Agency probably, I won't speak for the
14 Agency but in general Agencies prefer the flexibility
15 regulations of the statutes which can be a more permanent
16 mandate, so generally I think the Agency would prefer to make
17 the changes in regulation because then than between it can be
18 adopted again more easily than the (inaudible) process.

19 Q. And the next question is in your
20 testimony you mentioned that there are some documented
21 deficiencies in the DMV using the program SAVE. Can you give us
22 more explanation about that statement?

23 A. I don't know if I have the specific
24 details. There has definitely been research done about using
25 the magic two minute documentation base and this could be false
26 information extracted because of falsification of documents.

27 Q. But I cannot (inaudible).

1 A. Well we would be glad to provide that
2 (inaudible). I'm sorry we don't have that with us, but I do
3 know that that G.A.O. frequently surveys databases and these
4 agencies consistently ranks the databases with the Department of
5 Homeland Security as the worst databases in the entire Federal
6 Government in terms of accuracy, imperfections in false policies
7 and false statements, so it would be surprising if the SAVE
8 Database is actually a well-functioning database given the
9 historic research on such databases. I think (inaudible) leads
10 to many states of objection, well, because they know that this
11 is a poor database on the reliance of chronicle have real
12 consequences for data they are granting us. We will continue
13 the (inaudible).

14 Q. And, my friend, requesting a copy of,
15 can we get a copy of your testimony so that we can submit it for
16 the record?

17 A. Yeah, of course. It's in the car and
18 we'll send it to you in the next couple of days.

19 Q. That would be just fine.

20 Q. Do you have any recommendations how we
21 would work together with the groups you're working with?

22 A. I'm sure Connect, I believe Connect
23 would be delighted to work together and we've even talked about
24 Connect Representatives sitting at perhaps your next Hearing as
25 well. That's off line and for the Hartford Hearings
26 (inaudible), I would think that that you could let sit down and
27 talk more concretely about what can be done; again, I don't know

1 what channels are that this Commission
2 should choose to reduce your communicative agency as opposed to
3 initiating (inaudible) process. But I know that you are
4 certainly welcome (inaudible) this body directed to the agency
5 whatever (inaudible), but whether it's through Zap or
6 (inaudible), I am delighted to sit down and talk at the Hearings
7 (inaudible) together.

8 Q. We heard testimony before from the State
9 Department of Motor Vehicles that the movement from the other
10 states that allow undocumented immigrants access to licenses is
11 actually going the opposite way rather than increasing the
12 state's changing this. Do you have any information that would
13 contradict that or any thoughts about the commentary from the
14 DMV?

15 A. That is an accurate statement. Today
16 there are three states, it has passed through more than three
17 states, so it is I think an unfortunate political trend in some
18 states and I don't know enough about what happened what
19 (inaudible) see or what the (inaudible) may be at issue in other
20 states to use three states for their going ahead direction.
21 But it is certainly a true statement that there used to be more
22 than three, but I'm not aware, my understanding, I'm not expert
23 in all these state struggles, it's marginally politics that
24 overwhelm reason and then the state and the (inaudible) are in
25 play, and there is the same public safety conclusions by the
26 same state police (inaudible), the same (inaudible) analysis
27 tends to play it out so (inaudible) but there have been

1 political changes made by political leaders sometimes to go to
2 the (inaudible), I think that's unfortunate, I should say I
3 think it affects all of us, not only the individuals who should
4 have licenses but it can affect all of us who drive on the roads
5 in this country, but Connecticut, would not be alone if it were
6 to push back and stop as there has been indication (inaudible).

7 Q. I have a question, being that
8 Connecticut, we not sure if they're going to implement this at
9 the end of the day, the Real ID, would it make a difference I
10 know they would have the two tier system under that program, and
11 the goal would be to allow the second tier to incorporate more
12 drivers, you know, regardless of their status. Is there a
13 chance that, would it make a difference if that Real ID doesn't
14 go forward, that under the current law, the current regulation
15 that we could still amend the policy to include drivers,
16 immigrants. So even if they don't implement Real ID and have
17 the two tier system under the current standard, you think that
18 amending the policy we could still submit, you know, they could
19 theoretically submit Regulation, a change of the Regulation to,
20 okay, to incorporate more drivers?

21 A. Yes, I think, again, I think Real ID is
22 postponed and postponed and eventually appealed and it's
23 (inaudible). My guess is that a future DMV Commissioner might
24 say well why bother with this two tiered system, two different
25 colors and two different sets of forms, it's the history of
26 burden that's strengthens that purpose and it would probably
27 identify them, and again I hate the (inaudible). To its credit,

1 the DMV has recognized that the two tier is authorized under
2 Federal Law and will begin when it takes effect and that they
3 should provide some acts as to drivers licenses. There will be
4 some drivers who don't meet the Real ID standards so that's all
5 to their credit. I just think that they should go further,
6 (inaudible), but they can continue the two tier system if Real
7 ID does come into effect or they could unify if they wanted to.
8 There's nothing in state law or federal law that mandates the
9 two tiered system or permits it. (Inaudible) choice.

10 MR. DIAZ: (Inaudible) so refer to
11 Commissioner Candal to finish off.

12 MR. CANDAL: Yeah, well thank you very much
13 for coming all the way from New Haven and --

14 (INAUDIBLE COLLIQUY)

15 MR. WISHNIE: Thank you all for your interest
16 in this topic, of course, (inaudible) the people of this state
17 are directing as the rest of us all were (inaudible). I think
18 it's timely. I think there is an opening. I think the current
19 statutes permit it, and again I think the DMV has already
20 recognized the importance of this Hearing and observed the
21 access to licenses for some drivers who don't fit the Federal
22 standards, they've already gone that far. I think being
23 encouraged to go further to serve all these public safety and
24 revenue as well.

25 Q. Finally, how long would it take to
26 obtain additional information regarding benefits, you know, to
27 the state, is that something, do you have any time line?

1 A. No more than a few weeks I would say.

2 Q. A few weeks?

3 A. I can say (inaudible).

4 Q. So I guess tomorrow is out of the
5 question.

6 A. I think several of the group had to, I
7 think some of the data will be available under the Freedom of
8 Information Request, for instance, the Department of
9 Transportation or others cooperating with the Commission, you
10 know, can just provide it, they were, would like to typify it or
11 it was harder to assemble, the Agency wasn't really successful
12 in some of those (inaudible) are harder to (inaudible).

13 Q. If you had a request of information we
14 could submit it to our future panelists, or future speakers.

15 A. Right.

16 Q. Right.

17 A. So let us be sure that we have all of
18 your questions marked so we can generate the data, the data
19 question, but that might (inaudible).

20 Q. Great, thank you. Thank you very much.

21 MR. CRUZ: We have to discuss what the next
22 steps (inaudible).

23 Chairman Diaz, Chairman Diaz, we have ten more
24 minutes to discuss our Committee's next steps.

25 MR. DIAZ: Okay.

26 You had to file a motion.

27 MR. CRUZ: Ten minutes.

1 MR. DIAZ: All right gentleman, so I think we
2 have to go forward to the next step here, decide what we are
3 going to do. I was talking to Werner, I think that we probably
4 want to have somebody from the Department of Transportation,
5 also we need to have the additional information by Yale as far
6 as statistics and questions that they have, so that way we could
7 present them to the people from D.O.T. or anybody else, okay. I
8 would think and hopefully in three or four weeks they would have
9 those questions ready in their date. So perhaps have another
10 session in about thirty/forty-five days and then that session
11 also include testimony from somebody whose interviewed
12 immigrants just to tie up the last portion to see if in fact
13 given the opportunity they would actually go forward and get a
14 license.

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CERTIFICATE

I, Sally Omar, certify the foregoing transcript in the matter of State of Connecticut Latino & Puerto Rican Affairs Commission, Fact Finding Hearing January 18, 2012 of the prepared using the required electronic equipment and is a true and accurate record of the proceedings

Signature: _____

Date: February 9, 2011

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EDITORIAL

Let Immigrants Get Driver's Licenses

6:56 PM EST, February 18, 2013

In a perfect world, everyone in this country would be here legally and be eligible for all of the privileges of citizenship. In the world we've got, however, there are some 12 million undocumented immigrants in the country, tens of thousands in Connecticut.

The vast majority came here to work and gain a better life — the same reason people have been coming to these shores for nearly four centuries. As New York Times writer Adam Davidson recently observed, the immigrants mostly help the economy. But to do so, many need to drive.

A bill before the General Assembly would allow undocumented immigrants to get driver's licenses. On balance, it is a good idea and should pass.

Opponents of such measures — now the law in three states — say that it shouldn't be allowed because it rewards people who are breaking the law. That is true. It is also true that the economy embraces many illegals. In short, this is a complex national issue, one the federal government must resolve. The state, in the meantime, has to deal with the situation on the ground.

Congregations Organized for a New Connecticut, a group of more than two dozen religious congregations from the southwestern part of the state, has researched the issue and believes that allowing an estimated 54,000 undocumented immigrants to get licenses would make driving safer and less expensive for everyone.

CONNECT estimates that unlicensed immigrants drive up auto insurance premiums by \$20 million a year. If they now had to pass the driving test and get insurance, those premiums would presumably come down, as would costs associated with accidents. The group also estimates the state would garner \$2 million a year in additional registration fees.

Police would be able to check their driving records, and not waste time sending them to court for driving without a license. With a license, drivers will be more likely to stay at the scene of an accident, report crimes and generally cooperate with police.

Until Congress enacts comprehensive immigration reform, which may or may not happen this year, the state has to act in its best interest. Connecticut and other states are best served by having trained, insured, licensed drivers on the road.

