The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Testimony in Support of SB 68, SB 628, and HB 6037
To Allow Undocumented Immigrants Access to Driver's Licenses

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INTRODUCTION

Currently, Connecticut denies undocumented immigrants access to driver's licenses solely because of their immigration status. This has not always been the law. Before 1994, the ability to get a license did not depend on one's immigration status. In 1994, the DMV issued a regulation requiring proof of status.[1]

As this Committee well knows, if you live in Connecticut, you probably need to drive to get to the grocery store, take your children to school and after-school activities, or go to work. The fact is that Connecticut's current policy does not prevent undocumented immigrants from driving. Instead, they drive, but without training, testing, licensing, insurance, or registration. We estimate that there are 54,000 such undocumented immigrant drivers on Connecticut's roads today.[2] The policy of excluding these drivers from the licensing system makes the roads more dangerous, makes policing more difficult, limits state revenue from license and registration fees, raises insurance costs, and creates significant hardships in immigrant communities.

A growing number of states provide access to driver's licenses regardless of immigration status: New Mexico, Washington, Utah, and as of January, Illinois (which passed the bill with strong bipartisan support). In addition, a number of states are considering similar legislation this session: California, Maryland, Massachusetts, Minnesota, Oregon, and the District of Columbia.

This testimony proceeds in four parts. First, we discuss the policy benefits of granting undocumented immigrants driver's licenses. Second, we discuss the Legislature's legal authority to expand access to licenses. Third, we discuss the successes other states have had in making driver's licenses more widely available, including the documentation policies they have used to issue secure, verifiable licenses. Fourth, we briefly discuss additional implementation issues.

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[1] Conn. Agencies Regs. § 14-137-64a.
[2] *See* Appendix 1.

POLICY BENEFITS

Granting licenses to undocumented immigrants will benefit all of us who live and travel in the state of Connecticut. These benefits fall into five main categories: 1) road safety 2) benefits to law enforcement 3) reduced insurance premiums 4) increased state revenue and 5) additional economic benefits.

First, ensuring that everyone who drives has a license improves road safety. Once undocumented immigrants are eligible for licenses, they will come forward to be trained and tested. This will ensure that they know how to drive properly and learn the rules of the road. According to AAA, unlicensed drivers are five times more likely to be involved in a fatal crash than are licensed drivers.[3] Since New Mexico began issuing licenses to undocumented immigrants in 2003, the state has seen a substantial decrease in traffic fatalities.[4]

Second, law enforcement benefits when drivers can be easily identified. Bringing undocumented immigrants into the licensing system will help police do their jobs more effectively and efficiently. Police will be able to identify motorists during stops and check their traffic records more easily, allowing officers to devote the time saved to more important tasks. Drivers will also be more likely to stay at the scene of an accident to aid police and emergency workers and exchange insurance information with other motorists. Community members who witness or are the victims of crimes will feel more comfortable reporting them to police and testifying in court, without fear that their lack of identification documents will subject them to harassment or retaliation. In addition, limited court time and jail space will not be wasted on

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[3] AAA FOUND., HIGH-RISK DRIVERS FACT SHEET 1, https://www.aaafoundation.org/sites/default/files/UnleasedToKill2.pdf.

[4] In 2002, New Mexico had 449 traffic fatalities. N.M. DEP'T OF TRANSP., NEW MEXICO TRAFFIC CRASHES ANNUAL REPORT 2010, at 9-10, available at http://www.unm.edu/~dgrint/reports/annual/ar2010-9-19-2012draft.pdf. By 2010, the latest year for which data is available, this number had dropped to 346. *Id.* New Mexico has also seen a decline in alcohol-related traffic fatalities, from 184 fatalities in 2003 to 111 fatalities in 2010. N.M. DEP'T OF TRANSP., TRAFFIC SAFETY DIVISION FFY11 ANNUAL REPORT 13, http://dot.state.nm.us/content/dam/nmdot/Traffic_Safety/FFY11%20Annual%20Report%20Final.pdf; N.M. DEP'T OF TRANSP., NEW MEXICO TRAFFIC CRASH INFORMATION 32 (2003), http://www.doeal.gov/SWEIS/OtherDocuments/406%20annual%20traffic%20report%2003.pdf. While other programs may have contributed to this decline, bringing undocumented immigrants into the licensing system also allows the state to keep better track of DWI violations, sentence compliance, and license revocations. SOMOS UN PUEBLO UNIDO, DON'T WRECK WHAT'S WORKING: KEEP ALL DRIVERS IN NEW MEXICO LICENSED (2011), http://www.somosunpueblounido.org/Documents/DLFactsEng-Span_000.pdf.

drivers who are detained solely for driving without a license. Finally, expanding access to driver's licenses can have benefits for national security, since the Department of Homeland Security has found that driver's license databases are more current than its own, federal database.[5] In sum, as famed veteran police chief William Bratton said when a similar bill was considered in California, "when we prevent people from obeying the law, we place them and ourselves needlessly at risk. [The bill] corrects that inequity by allowing everyone who wants to operate a vehicle to do so legally by obtaining a license and purchasing required insurance."[6]

Third, the inability of undocumented drivers to get insurance is a pocketbook issue for everyone in Connecticut who buys car insurance. Since undocumented drivers cannot purchase car insurance, if you get into an accident with an uninsured driver, your insurance company has to absorb the costs. Insurance companies pass this cost on to their customers, in the form of higher premiums. We estimate that Connecticut policyholders will save $20 million each year when undocumented drivers are eligible to purchase insurance.[7] Plus, insurance companies will benefit from having 54,000 new customers, yielding an estimated $46 million in increased revenue.[8]

Fourth, this bill will raise revenue for the state in the form of fees. Immigrants with licenses will be able to register their cars, and those fees will bring an additional two million dollars into the state treasury each year.[9] That does not include driver's license fees or increased

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[5] U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-05-204, ALIEN REGISTRATION: USEFULNESS OF A NONIMMIGRANT ALIEN ANNUAL ADDRESS REPORTING REQUIREMENT IS QUESTIONABLE 10-11 (2005), http://www.gao.gov/new.items/d05204.pdf.

[6] Press Release, Office of Mayor James Hahn, Aug. 14, 2003 (as cited in NATIONAL IMMIGRANT LAW CENTER, DRIVER'S LICENSES FOR ALL IMMIGRANTS: QUOTES FROM LAW ENFORCEMENT (2004), http://v2011.nilc.org/immspbs/DLs/DL_law_enfrcmnt_quotes_101404.pdf).

[7] *See* Appendix 2. This estimate is buttressed by the finding of the New York Department of Insurance, in 2007, that expanding driver's license access to undocumented immigrants would "save New York drivers $120 million each year by reducing premium costs associated with uninsured motorists by 34 percent." *See* Nina Bernstein, *Spitzer Grants Illegal Immigrants Easier Access to Driver's Licenses*, N.Y. TIMES, Sept. 22, 2007, http://www.nytimes.com/2007/09/22/nyregion/22licenses.html. New York's population is about six times larger than Connecticut's population, so it makes sense that the savings would be six times greater in New York.

[8] *See* Appendix 3.

[9] Connecticut charges a $40 fee to register a car for one year (a total of $80 for the two-year registration period). *Standard Registration Fees and Additional Charges,* CT DEP'T OF MOTOR VEHICLES, http://www.ct.gov/dmv/cwp/view.asp?a=802&Q=244546. Multiplied by the 54,000

sales and property tax revenue from new cars that undocumented immigrants would be more likely to purchase if they could also buy insurance. Any initial program implementation costs will be quickly recouped, and then some.

Fifth, immigrants who can drive with a valid driver's license will be able to travel to work without fear, take their family members to the doctor and the grocery store, spend their hard-earned wages in the state, and grow small businesses. Immigrants want to get licenses, register their cars, pay state and local taxes, and contribute to the local economy. With the security and dignity of a license, they will be better able to do so. As a result, all of Connecticut will benefit.

LEGAL BACKGROUND

Connecticut has the authority to issue driver's licenses to all residents, regardless of immigration status. Federal law clearly and explicitly recognizes this authority.

A. Current Connecticut Law

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. The statute governing driver's license applications requires 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."[10] The proof of status requirement appears at Conn. Agencies Regs. § 14-137-64a, which 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."[11] This regulation was promulgated in 1994, a time when many states were

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in estimated new registrations, *see* Appendix 1, this yields an estimated $2,160,000 in revenue per year.

[10] Conn. Gen. Stat. § 14-36(e)(2).

[11] The DMV has a list of acceptable documents for noncitizens on its website. *Acceptable Identification for Non-U.S. Citizens*, CT DEP'T OF MOTOR VEHICLES, http://www.ct.gov/dmv/cwp/view.asp?a=805&q=471456.

adopting more restrictive rules regarding the treatment of undocumented immigrants.[12] Before then, Connecticut's policy was to include undocumented immigrants in its licensing regime, just as with all other groups of residents.

B. Federal Law Clearly and Explicitly Recognizes Connecticut's Authority To Issue Licenses to Undocumented Immigrants

The federal REAL ID Act requires all states to implement certain standards for state licenses that will be acceptable for federal purposes, such as entering a federal building or boarding an airplane. These standards include proof of lawful immigration status. However, the act, its implementing regulations, and official statements by the Department of Homeland Security (DHS) all explicitly recognize that states may continue to offer an alternative license that does not meet the standards in REAL ID (and thus is not acceptable for certain federal purposes), through a two-tier system. Connecticut has already opted to implement this two-tier option. In order to create access for undocumented immigrants, Connecticut need only remove the immigration status requirements from the tier of licenses that are not for federal use.

The REAL ID Act specifies that, after the effective date, "*a Federal agency* may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of [the Act]."[13]

The statutory text of REAL ID, the implementing regulation and rules, and official DHS statements all explicitly recognize a state's ability to offer two tiers of driver's licenses: one type of driver's license that meets the REAL ID standards and is valid for federal purposes (such as entering a federal building and flying on an airplane) and another type of license that is not. The statute recognizes the possibility of a two-tier system and further regulates issuance of the non-federal IDs:

> (d) Other requirements. – To meet the requirements of this section [this note], a State shall adopt the following practices in the issuance of drivers' licenses and identification cards . . .
>
> (11) 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 –

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[12] The most well-known of these may be California's Proposition 187, codified at Cal. Educ. Code § 48215(a) (West Supp. 1995); Cal. Health & Safety Code § 130(a) (West Supp. 1995); and Cal. Welf. & Inst. Code 10001.5 (West Supp. 1995).

[13] Pub. L. No. 109-13, 119 Stat. 231 (2005) (codified at 49 U.S.C. § 30301 note) (emphasis added).

> (A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and
> (B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231, 315, § 202(d) (codified at 49 U.S.C. § 30301 note).

The implementing regulation incorporates this language as well, requiring that "[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). 6 C.F.R. § 37.71 (2008); 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.").

Finally, DHS official statements recognize the two-tier option. DHS Secretary Michael Chertoff spoke directly to the issue in 2007: "To the extent that New York issues a class of license that is not based on lawful presence in the United States," he explained, "federal law does allow states to make that choice. . . . Congress has spoken to the issue; the option is open to the states."[14] Therefore, utilizing a two-tier system, Connecticut can both offer driver's licenses to undocumented immigrants and continue to comply with the REAL ID Act. Indeed, forty-nine professors of immigration law have signed a letter confirming this.[15]

Connecticut currently already offers two tiers of licenses: SelectCT IDs to individuals who can meet the requirements under the REAL ID Act, and the older form of license to people who would like to renew their old licenses and people who cannot meet the REAL ID requirements. By offering these two tiers, Connecticut is exercising the authority indisputably conferred by federal statute and regulation. In order to create access to driver's licenses for undocumented immigrants, Connecticut need only remove the immigration status requirements from the non-federal, non-SelectCT ID tier of license.

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[14] Press Release, Dep't of Homeland Security, Remarks by Homeland Security Secretary Michael Chertoff and New York Governor Eliot Spitzer on Secure IDs (Oct. 27, 2007), http://www.dhs.gov/xnews/releases/pr_1193749447502.shtm.

[15] *See* Appendix 4.

C. Granting Licenses to Undocumented Immigrants Will Not Confer Legal Status

If Connecticut includes undocumented immigrants in its driver's licensing regime, it will not be conferring any legal status on them. That can only be done by the federal government. Further, a license will not allow undocumented immigrants to vote or get any public benefits such as welfare or food stamps.

Licenses Do Not Affect Immigration Status

Immigration status is governed by federal law and Connecticut has no ability or authority to confer immigration status on its residents.

Licenses Do Not Permit Immigrants To Vote

Only citizens are allowed to vote. Access to driver's licenses will not have any effect on noncitizens' ability to register to vote in the state of Connecticut. The Connecticut voter registration process limits the documents that can be used to prove citizenship, and driver's licenses are not included. Driver's licenses, among many other documents, can only be used to prove identity, which is not sufficient for voter registration. Conn. Gen. Stat. §9-20a. The state Registrars of Voters, under the authority of the Office of the Secretary of State, review each mail-in registration, determine if the applicant is "legally qualified to register" and then accept or reject the registration. Conn. Gen. Stat. § 9-23g; *see also* Conn. Gen. Stat. § 9-20 (governing in-person registration).

Section 9-20a governs which documents prove citizenship for voter registration purposes.[16] A driver's license does not satisfy the statutory requirement to prove citizenship. Conn. Gen. Stat. § 9-20a. Voter registration systems never rely on driver's licenses to prove citizenship for voter eligibility, nor could they; Connecticut routinely grants driver's licenses to legal permanent residents (green card holders) and other immigrants. Only records such as a passport, citizenship certificate, or naturalization certificate establish citizenship. *Id.* Therefore, the state does not now, nor would it in the future, use driver's licenses to determine voter eligibility.

In addition to other immigrants, there are additional groups of citizens who are ineligible to vote, either as a result of felony convictions or because of age restrictions, who are

[16] Not all registered voters are required to provide documentary proof of citizenship, but where proof is requested, § 9-20a governs.

nevertheless able to obtain driver's licenses under the current system. Access to driver's licenses in Connecticut under the current system is therefore not related to eligibility to vote, and the voter registration system in place already protects against potential fraud.[17]

Moreover, voter fraud is extremely rare. There is very little evidence that noncitizen immigrants seek to vote fraudulently. In the sole comprehensive study of voter fraud that we have been able to find, the Brennan Center at NYU Law School found that less than 0.001% of noncitizens had attempted to vote, and that even in the rare cases where allegations of voter fraud were substantiated, there was no evidence that any of those who allegedly voted knew they were ineligible.[18] Assuming this worst-case scenario of a 0.001% rate of fraudulent voting, increasing access to driver's licenses for 54,000 undocumented immigrants in Connecticut would yield only *one half of an improper vote*. Considering the high stakes for undocumented immigrants – a felony conviction resulting in deportation – as weighed against the marginal benefit of one additional vote, the likelihood of voter fraud among undocumented immigrants is negligible.

In sum, the state of Connecticut does not use driver's licenses to determine the citizenship requirement for voter eligibility. Nor could it reasonably do so, since driver's licenses are currently available to many categories of noncitizens and citizens who are ineligible to vote. Therefore, expansion of access to driver's licenses to all residents, regardless of immigration status, will not affect the voter registration process or create any voter fraud problem in Connecticut.

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[17] The current system *does* use driver's licenses at the polls, but for purposes of *identification only*. In addition, other documents, including other photo identification, current utility bills, or paychecks with a name and address, which most undocumented residents already have, are sufficient for this purpose. Conn. Gen. Stat. § 9-23r; *see also* Op. No. 2007-016, 2007 WL 2688526 (Conn. A.G. Sept. 5, 2007) (concluding, similarly, that photo identification issued by localities will be used by the voter registration system for identification purposes, but not to show citizenship).

[18] JUSTIN LEVITT, BRENNAN CTR. FOR JUSTICE, THE TRUTH ABOUT VOTER FRAUD (2007), http://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf. The substantiated case of voter fraud described in this report involved naturalized citizens who voted before the date of their naturalization.

Licenses Do Not Make Immigrants Eligible for Public Benefits Programs

Undocumented residents are not able to obtain public benefits, such as welfare or food stamps under current law, and having a driver's license will not allow them to do so.[19] In fact, many federal and state benefits programs are not even available to certain lawfully present immigrants—and they currently have driver's licenses.[20]

For policymakers concerned about the welfare rolls, we note that that the deportation of breadwinners may increase the number of welfare recipients. When parents of U.S. citizen children are deported after being arrested for driving without a license, their U.S. citizen children remain in our community and may end up turning to food stamps or other public benefits programs to survive.

EXPERIENCE IN OTHER STATES

A growing number of states provide access to driver's licenses regardless of immigration status: New Mexico, Washington, Utah, and as of January, Illinois, which passed the bill with strong bipartisan support in both houses of the General Assembly. The Illinois bill was supported by the Republican leaders in both Houses,[21] and a popular former Governor, Jim Edgar, and the State Comptroller Judy Baar Topinka, both Republicans.[22] The experience of these states shows that undocumented immigrants can be licensed in a secure, verifiable manner that increases road safety and state revenue. We have focused our discussion on New Mexico and Washington, the states that have the most experience with these policies. Most of the verification procedures described below are enumerated in administrative regulations or DMV policies.[23] *They need not be included in a legislative proposal.*

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[19] *See generally Summary of Immigrant Eligibility Restrictions Under Current Law*, U.S. DEP'T OF HEALTH & HUMAN SERVICES (2009), http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml.

[20] *Id.*

[21] Greg Botelho, *New Illinois Law Allows Undocumented Immigrants to Get Driver's Licenses*, CNN, Jan. 29, 2013, http://www.cnn.com/2013/01/28/us/illinois-immigrant-licenses.

[22] Mary Wisniewski, *Illinois May Grant Driver's Licenses to Illegal Immigrants*, REUTERS, Nov. 20, 2012, http://articles.chicagotribune.com/2012-11-20/news/sns-rt-us-usa-immigration-illinoisbre8ak00i-20121120_1_illegal-immigrants-overhaul-of-federal-immigration-licenses.

[23] *See* New Mexico Administrative Code § 18.19.5.12; Washington Administrative Code §§ 308-104-014, 308-104-040.

New Mexico

Since 2003, New Mexico has allowed qualified foreign nationals to apply for a New Mexico driver's license regardless of immigration status. Since then, the state has seen a substantial decrease in traffic fatalities.[24] Eligible immigrants have contributed "well over $17 million in license and registration fees."[25] Furthermore, the policy has strengthened incentives for compliance with federal and state taxes, since the law requires an individual tax identification number (ITIN), which is assigned when immigrants file federal taxes. As of early 2012, New Mexico had issued 90,000 licenses to foreign nationals, with only four cases of non-New Mexico residents fraudulently obtaining a driver's license.[26]

New Mexico requires foreign nationals who cannot obtain a Social Security Number to provide an identification number, prove their identity, and prove their residence in New Mexico.[27] The identification number is the applicant's individual tax identification number (ITIN), which must be accompanied by either a valid passport or a Mexican consular identification card issued by the Mexican consulate in Albuquerque or El Paso. To prove identity, the main options are (1) a valid passport (if not used to prove identification number), (2) a Mexican consular identification card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso (if not used to prove identification number), (3) a birth certificate with a notarized English translation, or (4) a marriage certificate issued by a state or a territory of the

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[24] *See* note 4, *supra.*

[25] SOMOS UN PUEBLO UNIDO, DON'T WRECK WHAT'S WORKING: KEEP ALL DRIVERS IN NEW MEXICO LICENSED (2011), http://www.somosunpueblounido.org/Documents/DLFactsEng-Span_000.pdf.

[26] LEAGUE OF WOMEN VOTERS, FACT SHEET ON DRIVERS' LICENSE FOR ALL: A PUBLIC SAFETY ISSUE 2012, at 5, http://www.lwvnm.org/newsletters/Winter12.pdf. New Mexico does not currently verify residency documents. Some opponents of the driver's license law in New Mexico have pointed to a "study" in which the DMV sent driver's license holders a mailing instructing them to appear at the Albuquerque DMV within 30 days in order for their license to remain valid. The mailing and related policy were probably illegal and were challenged as such. A quarter of recipients did not show up. Some opponents of the driver's license law claim that this means that a quarter of undocumented immigrants who obtained driver's license recipients live out-of-state and obtained their licenses fraudulently. In fact, the response rate is explained by the oddity of the mailing, the fact that advocacy groups told recipients they were challenging the mailing and told them not to comply, and the fact that recipients might have moved since getting their licenses.

[27] *See* New Mexico Stat. § 66-5-9 (allowing applicants to provide an individual tax identification number instead of a social security number); New Mexico Administrative Code § 18.19.5.12 (specifying how such applicants may prove identity and residency).

United States. To prove residency, applicants must provide two documents. The numerous options include a property rental or purchase agreement; a utility bill, except a cell phone bill; a bank statement; an employment pay stub; a local property tax statement or mortgage document; and proof of a minor child enrolled in New Mexico school.

Once the applicant supplies the documents, the MVD verifies the authenticity of the passport and/or the consular ID with the issuing governments.[28] It also sends the documents to the Tax Fraud Division of the New Mexico Taxation and Revenue Department for screening and verification. In addition, New Mexico has trained its MVD staff to identify false documents and implemented biometric facial recognition.[29] As the League of Women Voters notes, "[t]he process is more complicated and onerous than for applicants who have social security numbers."[30]

Washington

Washington allows undocumented immigrants and others without a Social Security Number to obtain a driver's license if they can prove identity and residence in the state.[31] The current residency verification policies date from 2010.

To prove identity, undocumented immigrants must show either (1) an A-list document, which for undocumented immigrants would be a foreign or out-of-state driver's license and two B-list documents; or (2) four B-list documents.[32] The foreign driver's license must be valid or have expired within the past 60 days, have security features, and be verifiable. The list of acceptable B-list documents includes a birth certificate, foreign passport, foreign driver's license that has been expired for less than 5 years, Guatemalan or Mexican Consular ID card, Mexican

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[28] The Mexican consulates in Albuquerque and El Paso have agreed to validate the consular identification cards they issue.

[29] SOMOS UN PUEBLO UNIDO, FIGHTING DRIVER'S LICENSE FRAUD; PUTTING PRACTICAL SOLUTIONS OVER POLITICS (2011), http://www.somosunpueblounido.org/Documents/FraudFactSheet.pdf.

[30] LEAGUE OF WOMEN VOTERS, FACT SHEET ON DRIVERS' LICENSE FOR ALL: A PUBLIC SAFETY ISSUE 2012, at 5, http://www.lwvnm.org/newsletters/Winter12.pdf.

[31] *See generally Proof of Identity*, WASH. STATE DEP'T OF LICENSING (2013), http://www.dol.wa.gov/driverslicense/idproof.html.

[32] There are also options to provide documents from the Stand-Alone list or two A-list documents, but undocumented immigrants will generally not be able to provide any Stand-Alone documents, and the only A-list document they might be able to provide is the foreign driver's license. *Id.*

school record, Mexican Federal Electoral Card, marriage license, mortgage document, property deed, and other similar documents.

To prove residency, applicants are encouraged to provide as many of the following documents as possible: utility bills, university-issued documents, vehicle titles, and bank-issued documents.[33] Then, the Department sends a letter and an appointment request form to the applicant's Washington address. The applicant must return the form, at which point the Department calls to schedule an appointment. At the appointment, the applicant meets with Department staff to verify proof of his or her Washington residence.[34]

ADDITIONAL IMPLEMENTATION ISSUES

One question for this Committee will be how to classify the license that undocumented immigrants receive. We propose that undocumented immigrants receive licenses that are physically identical to the current, second tier of Connecticut driver's licenses. That is, Connecticut should not create a new tier of licenses just for undocumented immigrants with a distinct appearance. The reason is simple: to the extent that the licenses are perceived to be a "scarlet letter," announcing the holder's immigration status, immigrants will be reluctant to apply and use the licenses, and the policy will fail to yield the benefits discussed above.

CONCLUSION

Connecticut would greatly benefit by passing a law to direct the DMV to revert to its pre-1994 policy of including all residents, regardless of immigration status, in its driver's licensing system. The benefits would include road safety, policing, insurance premiums, state revenue, and security for immigrant communities. There is no reason to believe the feared drawbacks would be borne out: licenses do not normalize status or confer other social benefits, and maintaining Connecticut's current strict residency requirements would ensure that non-residents could not avail themselves of these licenses.

The General Assembly has the authority to make this change, and New Mexico and Washington have shown that such a system can be secure and verifiable.

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[33] *Id.*
[34] *Id.*

As this Committee well knows, most policies require difficult tradeoffs. This one does not. Its merits are clear.

And it is also urgent. Every day, thousands of Connecticut drivers go out on the roads without the training or testing that this Legislature has determined the public safety requires. Now is the time to act.

Dated March 4, 2013
New Haven, Connecticut

/s/
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APPENDIX 1 – ESTIMATE OF NUMBER OF NEW REGISTRANTS AND LICENSEES

We estimate the number of undocumented immigrants who would license and register their cars by extrapolating from Connecticut population statistics and vehicle registration data from Ohio. We estimate registration and assume, for the purpose of this estimation, that the number of new licensees would be the same (although it could be higher).

In 2009, Ohio added identification requirements for vehicle registration that limited immigrants' access to registration. This statutory change and its consequences provide a relatively accurate basis for estimating the number of cars driven by undocumented immigrants. Ohio was able to identify those registrations not in compliance as a result of the more stringent identification requirements, 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.[35] We assume, for purposes of this estimation, that nearly all of these registrations were not updated because the owners of the vehicles were undocumented

According to the Pew Hispanic Trust, Connecticut has 20% more undocumented immigrants than Ohio.[36] Assuming that the same percentage of undocumented immigrants drive in both states, this yields an estimate of 54,000 undocumented drivers in Connecticut – and 54,000 new registrations and licenses as a result of this policy change.[37]

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[35] Reginald Fields, *Latino Group Sues Ohio, Says New Vehicle Registration Rules Unfair to Non-Citizens; State Disagrees*, PLAIN DEALER, Nov. 24, 2009, http://blog.cleveland.com/metro/2009/11/latino_group_sues_ohio_says_ne.html.

[36] PEW HISPANIC CTR., UNAUTHORIZED IMMIGRANT POPULATION: NATIONAL AND STATE TRENDS, 2010, ,at 23 (2011), http://www.pewhispanic.org/files/reports/133.pdf.

[37] Multiplying the Ohio figure of 45,000 by 1.2 equals 54,000. This assumes an identical ratio of undocumented car registrations to undocumented populations between the two states.

APPENDIX 2 – ESTIMATE OF REDUCED INSURANCE PREMIUMS

We estimate that granting undocumented immigrants access to driver's licenses would reduce insurance premiums in Connecticut by $20 million per year. Our methodology is as follows:

1. There are 2,916,143 licensed drivers in Connecticut.[38] We estimate there are 54,000 undocumented immigrant drivers who cannot obtain licenses. Thus, the total number of drivers is 2,970,000.
2. Ten percent of drivers in Connecticut are uninsured.[39]
3. This means that an estimated 297,000 Connecticut drivers are uninsured, of which 54,000 are undocumented immigrants. So 18.18% of uninsured CT drivers are undocumented immigrants.
4. There were 103,672 crashes in Connecticut in 2009.[40]
5. We estimate that 9% of these crashes, or 9,330, were between an insured and uninsured driver, where the uninsured driver was at fault.
    a. We assume that these are all two-car crashes, that in any given crash one driver is at fault, and that uninsured drivers and insured drivers are equally likely to be in crashes and at fault. The odds that the at-fault car is driven by an uninsured driver, and the other car is driven by an insured driver, are 10% * 90% = 9%.
6. The Insurance Research Council reported in 2003 that the average uninsured motorist claim paid for these collisions was $8,300 per accident.[41] So 9,330 crashes costing $8300 each result in claims involving uninsured vehicles in Connecticut totaling $77,439,000 each year.
7. Assuming, as calculated above, that 18.18% of these uninsured vehicle claims involved unlicensed immigrant drivers, claims involving at-fault unlicensed immigrant motorists total about $14 million.
8. According to the Insurance Information Institute, every marginal dollar of increase in insurance payout yields a $1.55 increase in premiums. (See calculations below.) So the $14 million in claims involving at-fault unlicensed immigrant motorists cause a $22 million increase in premiums..[42]

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[38] CONN. DEP'T OF TRANSP., 2012 HIGHWAY SAFETY PLAN 21 tbl.2 (2011), http://www.ct.gov/dot/lib/dot/documents/dtransportation_safety/plans/ct_2012_hsp-final.pdf.

[39] Press Release, Ins. Research Council, Recession Marked by Bump in Uninsured Motorists (Apr. 21, 2011), http://www.insurance-research.org/sites/default/files/downloads/IRCUM2011_042111.pdf.

[40] CONN. DEP'T OF TRANSP., 2012 HIGHWAY SAFETY PLAN 19 fig.1 (2011), http://www.ct.gov/dot/lib/dot/documents/dtransportation_safety/plans/ct_2012_hsp-final.pdf.

[41] INS. RESEARCH COUNCIL, AUTO INJURY INSURANCE CLAIMS: COUNTRYWIDE PATTERNS IN TREATMENT, COST, AND COMPENSATION (2003).

[42] For the purposes of this estimate, we have assumed that the insurance that undocumented immigrants are occasionally able to obtain today is entirely ineffective. Sometimes, undocumented immigrants can purchase coverage that expires in three or six months when they are unable to produce a license. In most cases, the insurance will not pay out even if an accident occurs during this period of putative coverage. They may also be able to purchase insurance

9. Assuming that, once able to do so, undocumented immigrants will purchase insurance at the same rate as all Connecticut residents (90%), the premiums of currently insured drivers will be reduced by $20 million.

We calculated the ratio of payouts to premiums as follows[43]:

1. In 2011, automobile insurance losses across the country were incurred in collisions in the following amounts:
    a. Private passenger liability: $64, 293,114,000
    b. Private passenger physical damage: $40,592,433,000
    c. Total incurred losses: $117,409,577,000
2. In 2011, automobile insurance premiums were written into policies in the following amounts:
    a. Private passenger liability: $100,370,770,000
    b. Private passenger collision/comprehensive: $62,956,397,000
    c. Total premiums written: $163,327,167,000
3. Ratio of premiums to losses: $163,327,167,000 / $117,409,577,000 ≈ 1.55.
4. This suggests that every marginal dollar of increase in insurance payout is related to a $1.55 increase in premiums.

policies by creating limited liability corporations for the purpose, but these policies appear to cover only licensed operators.

[43] These calculations are based on figures put out by the Insurance Information Institute, available at http://www.iii.org/facts_statistics/auto-insurance.html.

APPENDIX 3 – ESTIMATE OF INCREASED INSURANCE REVENUE

We estimate that granting undocumented immigrants access to driver's licenses would increase revenue for automobile insurance companies by $46,170,000 per year. Our methodology is as follows:

1. We estimate that there are 54,000 undocumented immigrant drivers who cannot obtain licenses in Connecticut. (See Appendix 1)
2. Assume that, once able to do so, undocumented immigrants will purchase insurance at the same rate as other Connecticut residents. Ninety percent of Connecticut drivers are insured,[44] so 90% of undocumented drivers, or 48,600 new customers, would get insurance.
3. The average automobile insurance premium in Connecticut is $950.[45]
4. Multiplying the number of new customers by the average premiums yields a total of $46,170,000 in increased premiums per year.

[44] Press Release, Ins. Research Council, Recession Marked by Bump in Uninsured Motorists (Apr. 21, 2011), http://www.insurance-research.org/sites/default/files/downloads/IRCUM2011_042111.pdf.

[45] U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES 755 tbl.1223 (2012), http://www.census.gov/compendia/statab/2012/tables/12s1223.pdf. It is reasonable to assume that the average premium charged to newly insured drivers, who might not have driving records, will be higher than the average premium for current insured drivers. If this is true, our estimate understates the amount by which this policy will increase premiums paid to insurance companies in the state.

Appendix 4

Law Professor's Letter to Governor Malloy

January 15, 2013

Dannel P. Malloy
Governor
State of Connecticut
210 Capital Avenue
Hartford, Connecticut 06106

RE: Issuance of Second-Tier Driver's Licenses Without Proof of Legal Residence Under REAL ID Act

Dear Governor Malloy:

We write as law professors whose teaching and scholarship focus on immigration law. This letter offers our legal opinion on a current proposal to expand access to driver's licenses to residents of the state of Connecticut without proof of legal residence, and specifically on whether such a proposal falls afoul of the federal REAL ID Act. We offer no views on the policy dimensions of the proposal being considered in your state. We write, instead, only to explain that nothing in the federal REAL ID Act bars any state, whether it has come into compliance with the law or not, from issuing second-tier licenses to undocumented immigrants.[46] According to the plain text of the statute and the statements of federal officials tasked with implementing it, such a program is clearly permissible.

When Congress passed the REAL ID Act in 2005, it created minimum standards for a new category of compliant state driver's licenses and identification cards. After the effective date, which has just recently been, once again, indefinitely postponed,[47] "a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of [the Act.]"[48] In addition to barring undocumented immigrants from this new category of state driver's licenses that are valid for

[46] We do not address in this letter the issue of whether individuals who are approved for deferred action under the federal government's Deferred Action for Childhood Arrivals (DACA) program should receive driver's licenses. It is clear that those young people are included in the definition of persons with lawful status under the REAL ID Act and therefore should receive a state driver's license that can be used for federal purposes. *See* Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231, 315, § 202 (c)(2)(B)(viii); 6 C.F.R. § 37.3 (definition of lawful status under the Act). This letter instead addresses the question of whether Connecticut can issue second-tier licenses (i.e., not to be used for federal purposes) to undocumented immigrants who are unable to demonstrate lawful status under the Act.
[47] When REAL ID Act was passed in 2005, it had an effective date of May 11, 2008. Pub. L. No. 109-13, 119 Stat. 231 (2005) (codified at 49 U.S.C. § 30301 note). When DHS promulgated the final rule governing minimum standards for REAL ID compliance, DHS extended the date until May 11, 2011. 6 C.F.R. § 37 (2008). On March 7, 2011, DHS postponed implementation to January 15, 2013. 6 C.F.R. § 37 (2011). Recently, DHS deferred implementation again – indefinitely. Press Release, Dep't Homeland Security, DHS Determines 13 States Meet REAL ID Standards: Remaining States Provided Additional Time to Comply (Dec. 20, 2012), http://www.dhs.gov/news/2012/12/20/dhs-determines-13-states-meet-real-id-standards. *See also* 40 U.S.C. § 30301 note (granting Secretary of DHS authority to extend the deadline).
[48] Pub. L. No 109-13, 119 Stat. 231 (2005) (codified at 49 U.S.C. § 30301 note).

federal identification purposes, the REAL ID Act's requirements exclude some other categories of immigrants, including persons granted withholding of removal, persons paroled into the United States, and persons with pending applications for nonimmigrant visas (for example, victims of trafficking).[49]

Many drivers will be unable to obtain licenses valid for federal identification purposes under this law, but the statutory text of REAL ID and the implementing regulation and rules explicitly recognize a state's ability to offer two tiers of driver's licenses, where one type of license is valid for federal purposes and the other is not. The statute recognizes the possibility for a two-tier system and allows the issuance of a noncompliant license, which "(A) clearly states on its face that it may not be accepted by any Federal agency for Federal identification or any other official purpose; and (B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose."[50]

The implementing regulation incorporates this language as well, requiring that "[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).[51]

Exercising the authority indisputably conferred by federal statute and regulation, Connecticut already offers two tiers of licenses. As of October 3, 2011, Connecticut offers the "Select ID," which is valid for federal identification purposes under REAL ID.[52] Connecticut has also chosen to continue to offer noncompliant licenses as well, but only to those seeking to renew their licenses, not to new applicants.[53]

So long as noncompliant licenses are appropriately marked, states are free under federal law to require as much or as little documentation as they wish from applicants for these licenses. Three states – New Mexico, Utah, and Washington – make driver's licenses or something similar available to undocumented immigrants.[54] The Illinois Senate passed a measure to expand access

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[49] Joan Friedland, *Final REAL ID Regulations Fail to Ease New Burdens on Immigrants*, NAT'L IMMIGRATION LAW CTR. (Feb. 27, 2008), http://www.nilc.org/immspbs/DLs/DL039.htm. Further, some lawful immigrants may have difficulty obtaining these federally valid licenses because their status must be verified by the Systematic Alien Verification for Entitlements (SAVE) system, a Department of Homeland Security (DHS) database with documented deficiencies. *Id.*

[50] Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231, 315, § 202 (d) (codified at 49 U.S.C. § 30301 note).

[51] 6 C.F.R. § 37.71 (2008); *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.").

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

[53] *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.

[54] Julia Preston & Robert Gebeloff, *Some Unlicensed Drivers Risk More Than a Fine*, N.Y. TIMES, Dec. 9, 2010, http://www.nytimes.com/2010/12/10/us/10license.html.

to driver's licenses for undocumented residents in December, and legislation is pending in the Illinois House.[55]

While these states are not yet fully compliant with the REAL ID Act, this is *not* because they offer licenses to undocumented residents, but rather because they do not *also* offer licenses that meet the statutory requirements for federally valid identification. Utah already utilizes a two-tier system; if and when REAL ID is implemented, Washington and New Mexico may also implement a two-tier system so that their first-tier driver's licenses are accepted as federal identification.

Official statements by the federal official responsible for implementing the REAL ID Act reiterate explicitly that the two-tier option allows states to issue noncompliant licenses to undocumented immigrants. DHS Secretary Michael Chertoff spoke directly to the issue in 2007: "To the extent that [a state] issues a class of license that is not based on lawful presence in the United States, those licenses will not comply with REAL ID ... requirements," he explained, "[b]ut federal law does allow states to make that choice . . . . Congress has spoken to the issue; the option is open to the states."[56]

Connecticut would clearly be acting in compliance with the REAL ID Act and other federal law if it were to allow residents without proof of immigration status to obtain second-tier driver's licenses. Connecticut could still accept these licenses for state identification purposes, although they would not be valid for federal purposes. In this letter, we do not advocate the wisdom of such a legislative policy. Our purpose in writing is more limited and straightforward: to explain that federal law in general, and the REAL ID Act in particular, presents no obstacle to the passage and implementation of this policy; in fact, the statute and DHS policy explicitly permit states to offer second-tier driver's licenses to all their residents, irrespective of immigration status.

Respectfully yours,

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[55] Ray Long, *Illegal Immigration Driver's License Measure Sails Through Illinois Senate*, CHI. TRIB., Dec. 4, 2012, http://articles.chicagotribune.com/2012-12-04/news/chi-illegal-immigrant-drivers-license-measure-sails-through-illinois-senate-20121204_1_lawrence-benito-illegal-immigrant-immigration-debate.

[56] Press Release, Dep't Homeland Security, Remarks by Homeland Security Secretary Michael Chertoff and New York Governor Eliot Spitzer on Secure IDs (Oct. 27, 2007).

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cc: Melody A. Currey, Commissioner, Department of Motor Vehicles
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Senator Martin M. Looney, Majority Leader
Senator John McKinney, Minority Leader
Senator Leonard Fasano, Minority Leader Pro Tempore
Representative Christopher G. Donovan, Speaker of the House
Representative Brendan Sharkey, Majority Leader
Representative Lawrence F. Cafero, Jr., Minority Leader
Senator Andrew M. Maynard, Co-Chair, Transportation Committee
Representative Antonio Guerrera, Co-Chair, Transportation Committee
Senator Joseph J. Crisco, Jr., Co-Chair, Insurance and Real Estate Committee
Representative Robert W. Mega, Co-Chair, Insurance and Real Estate Committee
Senator Eric D. Coleman, Co-Chair, Judiciary Committee
Representative Gerald M. Fox, Co-Chair, Judiciary Committee

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Testimony in Support of SB 68, SB 628, and HB 6037
To Allow Undocumented Immigrants Access to Driver's Licenses

Josh Bendor, Kendall Hoechst, Aaron Littman, Lilian Timmermann, and Annie Lai
Worker & Immigrant Rights Advocacy Clinic, Yale Law School
Counsel for Congregations Organized for a New Connecticut (CONECT)

One argument we have heard in response to today's bills is that undocumented immigrants are here illegally, and so should not receive any further protection from the government. This argument misunderstands the nature of our immigration law and the way our society and its laws relate to immigrants.

It is not a crime to be present in the United States without lawful immigration status.[1] It is not a felony or even a misdemeanor. Rather, it is a civil violation, subject to administrative sanction.[2] A person cannot be jailed or even fined for being undocumented.[3] She can only be sent back to her country of origin.[4]

Sometimes people speak about undocumented immigrants as if they were a kind of outlaw. They are "illegals," and that is it. But that is not how our law works. If an undocumented immigrant woman is beaten by her husband, the police do not turn a blind eye.[5] If a little girl who is undocumented shows up for the first day of third grade, we do not slam the door in her face.[6] Our law treats undocumented immigrants as human beings, not "illegals."

I know that many people out there may say to themselves, my family came to this country legally, why can't undocumented immigrants today? And so I want to say a few words about how our immigration law has changed over the years, and why my family, and I would guess yours, if they were immigrating today, would have come here however they could, with a visa or without.

Our families came here to build a better life for their children. Many came fleeing economic hardship. Others fled religious persecution as well. Until the 1920s, you did not even need a visa.[7]

Today, things are different. If you are a farm worker in Mexico and you are trying to get into the United States on a family visa to join your brother, it will take you about sixteen years to get a visa.[8] Imagine you have just gotten married, you are starting a family. What do those sixteen years mean to the life chances of your son, your daughter?

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[1] *Arizona v. United States*, 132 S. Ct. 2492, 2505 (2012) ("As a general rules, it is not a crime for a removable alient to remain present in the United States.")

[2] *I.N.S. v. Lopez–Mendoza*, 468 U.S. 1032, 1038 (1984) ("A deportation proceeding is a purely civil action to determine eligibility to remain in this country, not to punish an unlawful entry . . . .").

[3] *Id.*

[4] *Id.*

[5] In certain cases, the Immigration and Nationality Act provides for visas for the victims of crimes, including domestic violence. Immigration and Nationality Act (INA) § 101(a)(15)(U).

[6] *Plyler v. Doe*, 457 U.S. 202, 205 (1982) (holding that Texas's attempt to "withhold from local school districts any state funds for the education of children who were not 'legally admitted' into the United States" violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution).

[7] U.S. Citizenship & Immigration Serv., *Overview of INS History to 1998*, *in* A HISTORICAL GUIDE TO THE U.S. GOVERNMENT, (George T. Kurian, ed., 1998).

[8] U.S. DEP'T OF STATE, VISA BULLETIN FOR MARCH 2013, http://www.travel.state.gov/pdf/visabulletin/visabulletin_march2013.pdf. The family-sponsored preference categories are defined in INA § 203(a).

And if you do not already have a family member here, you have no real shot of getting in at all.[9]

So, yes, undocumented immigrants are here without the authorization of the federal government. But they are here for the same reasons that our families came. And I would guess that, if my family were in their shoes, looking at a sixteen-year wait for a bright but difficult American future, they would not wait. At least, I would hope not.

And the truth of the matter is, undocumented immigrants are integral to our economy. When Alabama passed its harsh immigration laws and farm workers fled to other states, crops rotted in the fields.[10] Immigrants do the jobs that no one else wants to do. They help this country prosper.

But once undocumented immigrants come here illegally, there is no real pathway to legal status or citizenship.[11] That is federal law and there is nothing Connecticut can do to fix it. What Connecticut *can* do is ensure the safety of all its residents by requiring all drivers in the state to pass written and road safety tests and obtain licenses and insurance without regard to their status.

We hope Congress will pass immigration reform soon. But that is no reason not to pass this bill. Even if Congress creates a pathway to legal status tomorrow, the federal government will have to process millions of applications. That will take a long time. In the meantime, we should make sure that the undocumented immigrants who are here in Connecticut, sharing our roads, can get a simple driver's license.

Dated March 4, 2013
New Haven, Connecticut

/s/
Respectfully submitted,

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[9] Only highly skilled workers are eligible for the various categories of employment-based visas. INA § 203(b). Temporary workers can also receive H-2A and H-2B visas, but these are temporary and must be petitioned for by employers. INA § 101(a)(15)(H)(ii). H-2B visas, for non-agricultural workers, are capped at 66,000 per year. U.S. Citizenship & Immigration Serv., *Cap Count for H-2B Nonimmigrants*, available at http://www.uscis.gov/h-2b_count.

[10] *Farmers Complain About Rotting Crops but Sen. Scott Beason Says No to Immigration Law Changes*, ASSOCIATED PRESS, Oct. 3, 2011, available at http://blog.al.com/wire/2011/10/chandler_mountain_farmers_comp.html.

[11] INA §245(a) (providing that adjustment of status is not available for persons who entered the United States without inspection).

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Supplemental Testimony in Support of SB 68, SB 628, and HB 6037
To Allow Undocumented Immigrants Access to Driver's Licenses

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LAW ENFORCEMENT SUPPORT

If the General Assembly allows undocumented immigrants to obtain licenses, police officers will save valuable time they now waste attempting to identify unlicensed drivers at roadside stops. The ability to accurately identify drivers will make them safer, and the state will save court time and jail space, because people will no longer be detained for simply operating a motor vehicle without a license. Those law enforcement and criminal justice resources would be better directed towards addressing crime and keeping our communities safe.

Additionally, victims of and witnesses to serious crimes will be much more likely to report them to police if they are able to present state-issued identification upon request. Crime in immigrant communities affects all of us, and we will all be safer if violence against our immigrant neighbors no longer goes unreported for fear of immigration consequences. Finally, issuing second-tier licenses to undocumented immigrant drivers will help law enforcement across the state achieve its commitment to race-neutral policing.

Police chiefs across the country have strongly endorsed similar proposals. The recently passed legislation in Illinois had the support of the Sheriffs of Cook, Lake and Kane Counties, and the Berwyn, Evanston and Melrose Park Chiefs of Police.[1]

William Bratton, former Chief of the Los Angeles, California Police Department, has said that "when we prevent people from obeying the law, we place them and ourselves needlessly at risk."[2] Lloyd D. Evans, former Chief of the Park City, Utah Police Department, wrote that "having drivers able to purchase insurance is a benefit which cannot be overstated," and added that "[t]he number of cases involving uninsured, unlicensed drivers without current registration placed an enormous burden on our court system."[3] Rudy Landeros, former Assistant

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[1] *Supporters*, HIGHWAY SAFETY COAL., http://highwaysafetycoalition.org/supporters/.
[2] NAT'L IMMIGRATION LAW CTR., DRIVER'S LICENSES FOR ALL IMMIGRANTS: QUOTES FROM LAW ENFORCEMENT 1 (2004), http://v2011.nilc.org/immspbs/DLs/DL_law_enfrcmnt_quotes_101404.pdf.
[3] *Id.*

Chief of the Austin, Texas Police Department, testified that "we strongly believe it would be in the public interest to make available to these communities the ability to obtain a drivers license . . . [because doing so] will make them not only informed but safe drivers."[4] Ronald Miller, former Chief of the Kansas City, Kansas Police Department, and current Chief of the Topeka, Kansas Police Department, noted:

> Expanding opportunities to obtain drivers' licenses is not incongruent with homeland security considerations; on the contrary, allowing law enforcement to positively identify individuals within our state will help law enforcement to identify potential threats and reduce vulnerability and raise the feeling of security of citizens and non-citizens alike.[5]

Albert Najera, former Chief of the Sacramento, California Police Department and current U.S. Marshal of the Eastern District of California, put it bluntly:

> I have been in the public safety business for 33 years. In my experience, I would rather have a foreign national with reliable identification, a registered name, and photo . . . that my officers can check while in the field than the information we have now, which is nothing.[6]

Dated March 6, 2013
New Haven, Connecticut

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Respectfully submitted,

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[4] *Id.*
[5] *Id.*
[6] *Id.* at 2.