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ISSUANCE OF DRIVER'S LICENSES TO UNDOCUMENTED IMMIGRANTS

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You asked which states issue driver's licenses to undocumented immigrants.

SUMMARY

There are currently four states with statutes or regulations that implicitly give undocumented immigrants access to driving privileges: Illinois, New Mexico, Utah, and Washington. All four states issue cards granting this privilege, but in Illinois and Utah these cards are not valid for identification purposes.

Proponents of licensing undocumented immigrants to drive argue that it promotes road safety, reduces unlicensed drivers, and allows these immigrants to work and support their families. Opponents argue that licensing undocumented immigrant drivers leads to fraud and security concerns, and encourages employment of undocumented immigrants over documented immigrants and U.S. citizens.

Several states that previously permitted undocumented immigrants to drive no longer do so for various reasons; these reversals have resulted from both legislative and executive actions.

Undocumented immigrants who are in the U.S. under the Obama Administration's Deferred Action for Childhood Arrivals (DACA) program may qualify for a driver's license if the states where they reside accept

the DACA documentation for licensing purposes. A number of states, including Connecticut, are granting licenses to successful DACA applicants.

STATES THAT CURRENTLY ISSUE DRIVER'S LICENSES TO UNDOCUMENTED IMMIGRANTS

Illinois

A new Illinois law, which goes into effect in November 2013, allows the state to issue a temporary visitor's driver's license to an applicant who (1) has resided in the state for more than one year, (2) is ineligible to obtain a SSN, and (3) is unable to present documentation authorizing his or her presence in the U.S. Like Utah, Illinois' license may not be used to prove identity. The law requires applicants to be photographed and the photos are entered into the state's facial recognition database to verify identify ([2012 Ill. Legis. Serv. P.A. 97-1157 \(S.B. 957\)](#)).

New Mexico

While a Social Security number (SSN) is required for most New Mexico residents to obtain a license, state law requires the secretary of taxation and revenue to accept the individual taxpayer identification number as a substitute for a SSN and issue a license regardless of immigration status. The secretary may establish by regulation other documents as a substitute for a SSN or individual taxpayer identification number. ([N.M. Stat. § 66-5-9](#)).

For three consecutive legislative sessions, Governor Susana Martinez has pushed to repeal the law, arguing that it leads to fraud, human trafficking, organized crime, and significant security concerns. Thus far, the repeal has failed to pass, and repeal opponents argue that the law helps reduce unlicensed and uninsured drivers and fosters cooperation between law enforcement and immigrants.

Utah

Utah issues a "driving privilege card" to someone who does not provide evidence of lawful presence in the United States. The driving privilege card is not valid for identification purposes. Utah amended its law in 2011 to require fingerprinting of all such applicants (Utah Code § [53-3-207](#)).

Washington

In Washington, if a driver's license applicant cannot provide any of the statutorily specified identifying documents (e.g., SSN), the Department of Motor Vehicles may (1) consider other documentation to ascertain identity or (2) label the license "not valid for identification purposes." (Wash. Rev. Code § [46.20.031](#), [46.20.035](#); Wash. Admin. Code [308-104-040](#)).

A 2011 attempt to repeal the law failed mainly because legislators: (1) believed that additional verification measures required to end licensing for undocumented immigrants would have cost as much as \$1.5 million and (2) were worried about the state's ability to harvest apples if undocumented immigrants could not drive to the orchards.

STATES THAT PREVIOUSLY ISSUED LICENSES TO UNDOCUMENTED IMMIGRANTS

Several states that previously permitted undocumented immigrants to drive have reversed themselves in recent years and no longer allow such privileges. The following lists those states and the year they stopped allowing undocumented immigrants to drive:

- Hawaii (2010)
- Maryland (2009)
- Maine (2008)
- Michigan (2008)
- Oregon (2008)
- Tennessee (2006)
- California (2003)

These changes have been initiated by both the legislative and executive branches. Among the reasons cited are:

1. compliance with the federal REAL ID Act,
2. response to high-profile identity fraud cases,
3. concern about being a magnet for illegal immigrants from surrounding states,

4. concern about immigrants taking jobs from U.S. citizens,
5. consistency with other states, and
6. political pressure.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

In 2012, the U.S. Homeland Security secretary announced the implementation of the DACA program. Certain individuals who arrived in the United States as children and meet specific criteria can request “deferred action,” which is a prosecutor’s discretionary determination to defer an individual’s removal from the U.S.

The federal government issues work authorization forms and Social Security cards to successful DACA applicants. Those two documents are enough to qualify for a driver’s license in many states. Thus, several states have begun to or will issue driver’s licenses to successful DACA applicants. The National Immigration Law Center reports that officials in at least 37 states (including Connecticut as well as Illinois, New Mexico, Utah, and Washington) have demonstrated, either through statements or the granting of licenses, that DACA recipients will be eligible for a driver’s license or driver’s privilege card. Arizona and Nebraska have announced that they intend to deny driver’s licenses to DACA recipients.

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