



# DWI: Driving While Immigrant

By Arnolando García

In 2005, over 70 bills were introduced in 26 different states dealing with how undocumented immigrants obtain driver's licenses. The majority of the proposed state legislation curbed immigrants' access to licenses. The laws are more an attempt to restrict immigrants' ability to travel than to ensure road safety. Failure to carry a valid license carries sanctions like those imposed in South Africa under apartheid pass laws—jail and deportation back to the 'homeland.'

Under some state bills, like New York's proposed legislation, Departments of Motor Vehicles would have to become well-versed in United States foreign policy—and know if an applicant's immigration papers are in order and if their home country is on a U.S. list of "terrorist" countries—to issue a driver's license.

However, the REAL ID Act (a new law signed in May 2005) has made States' individual determinations of eligibility nearly irrelevant. REAL ID converts state driver's licenses into a de facto national ID card, circumscribing the constitutional right to freedom of movement and travel for those without it.

Driving a car—essential to get to work or a hospital, go shopping, or pick-up children at school—will soon be a crime for those who cannot prove their citizenship or immigration status. Already, immigrants without a driver's license risk vehicle impoundment, fines, and jail sentences.

The REAL ID law will turn states into immigration law enforcers, gatekeepers at the new identity border. Without a REAL ID driver's license or identity card, taking a flight on an airplane, entering a federal building, getting car insurance, even hopping onto a train or Greyhound bus will become virtually impossible.

States will have to redesign their licenses, investigating and determining the citizenship or immigration status of all applicants. All residents, regardless of their citizenship or immigration status, will soon have to present a passport, birth certificates, social security

cards, or similar documents proving their residence, to renew or obtain a driver's license complying with the REAL ID's national security measures.

States have three years to comply with the new REAL ID federal standards for driver's licenses and other state ID cards. Some are already moving to comply. Arkansas approved a new driver's license law implementing many REAL ID provisions starting in 2006.

States like California, where one out of every four residents is an immigrant, will be denying a sizeable portion of their residents an indispensable service, making them more vulnerable to deportation and abuse.

In California, a driver's license law that would have given immigrants licenses—marked immigrant—was passed by the state assembly but vetoed by Governor Schwarzenegger. State Senator Gilbert said the legislation was amended "to give the Governor all the time necessary to wait for federal regulations to be published, released and promulgated, before the Department of Motor Vehicles issues driver's licenses to all applicants." But Schwarzenegger still vetoed it, citing security concerns.

Full implementation of REAL ID means that the estimated 9 to 11 million undocumented immigrants living in the U.S. will be subject to new types of immigration checkpoints—making them more and more readily detectible for detention and possible deportation if they cannot produce a "secure" driver's license proving "legal" presence in the U.S. ■

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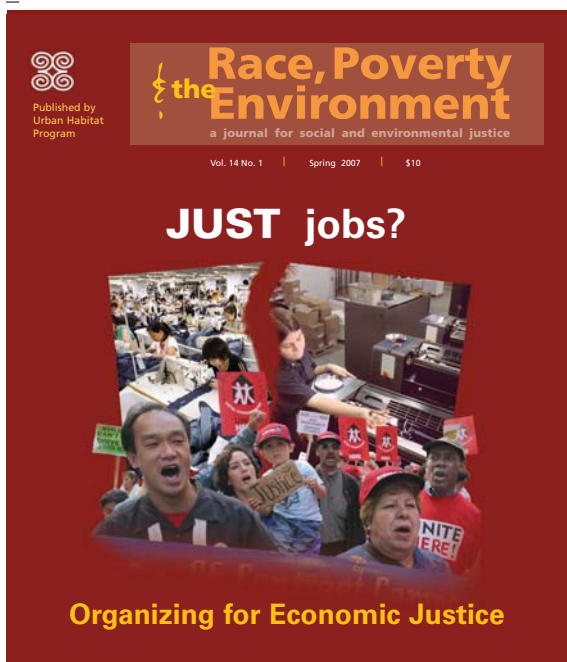
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