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Suspended Rights in a Time of National Crisis: The Driver's License Issue

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**Suspended Rights in a Time of National Crisis:
The Driver's License Issue**

A project
Presented for the
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The University of Tennessee, Knoxville

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Abstract

This paper aims to address the very complex driver's license issue that has been the source of controversy nation wide. The focus, however, will be placed on the particular happenings in Tennessee and Kentucky both before and after the attacks of 9/11. This two-state analysis will describe the work of local interest groups in their goals to defeat restrictive driver's license proposals. In Tennessee, the discussion will rest on the roller-coaster like legislative battle waged and the success of local activists. In Kentucky, the focus will be centered on the legal challenge proposed to defeat one of the most restrictive laws in the country. A small portion of the paper will look at the unique way the issue has played out in four other states, but only briefly to provide examples of state level controversy and trends. Furthermore, the voices of both U.S. citizens and immigrants will be heard to examine how people in the country are reacting to and being effected by the new proposals. Lastly, some consideration will be given to the status of the issue on the federal level and how such action there could effect the states. In the end, the interplay between state and federal level activities remains unsettled and leaves many questions unanswered.

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Introduction

One out of every ten people you may encounter in the United States has been born outside of this country. This equates to approximately 27 million foreign born people who make up a large part of the United State's population. More are coming; around 700,000 to 900,000 immigrate each year. With these kinds of numbers it is no surprise that immigrants have such an influential effect on the country as a whole. In fact the U.S. is often referred to as that "great melting pot" made up of all cultures, races and ethnicity. Whether for reasons of cultural diversity or a need for cheap foreign labor, many Americans, in the past two decades, have encouraged a kind of open immigration policy. In fact, such policies have been described as a welcome mat encouraging immigrants to come and work in the U.S. (Adetunji 1). However, in just one black Tuesday that welcome mat was discarded and the treatment of immigrants already in the country was forever changed.

Among the many effects of September 11th, one of the biggest changes was the attitudes and sentiment toward foreign-born people. When two planes destroyed the World Trade Center, people became frightened. In the aftermath, anyone who even looked like a foreigner became a suspect. These "suspects," made up mostly of immigrants, have bared the brunt of a wave of speculation, anger, and ignorance. They have been treated unfairly, denied constitutional rights and treated as criminals. Immigrants and the liberties they had once been granted have also been subject to a plethora of legislation blindly aimed at better securing the nation.

One such issue that has been under extreme controversy since 9/11 is that of the driver's license. Both sides of this debate are embroiled in a chicken/egg conflict

fighting over which comes first: civil liberties or security. Some argue that without civil liberties there can be no security, others argue that without security there can be no civil liberties. There has been no definitive resolution but rather an ongoing controversy that has taken place both in the states and at the federal level.

The driver's license issue stemmed from a 1996 federal welfare law, that mandated states to require a Social Security Number (SSN) from driver's license applicants. The purpose was to restrict parents who had not paid their child support from access to a license. However, the legislation backfired on immigrants who did not have a SSN, prohibiting them from driving. Realizing their error, the federal government assured states that they did not have to prevent those without an SSN from obtaining a license. Therefore, immigrant advocates in Tennessee launched a successful campaign and repealed their state's law. However, Kentucky had no such coalition to even challenge the proposal (Ansley 1-2).

After September 11th, the issue became even more explosive. The repeal that Tennessee activists had worked so hard to pass was now threatened with proposals for unprecedented narrowing of the law. Kentucky, as well, faced a restrictive driver's license proposal but they now had a forceful group of activists to challenge it. To date, neither state is satisfied with the status of their driver's license procedures but neither state has given up. Currently, Kentucky is enthralled in a legal challenge to their law while Tennessee contemplates taking similar action.

In the meantime, several unique situations have been playing out in different states, which has impacted immigrants greatly. People are responding to these impacts by expressing both opinions for restrictive policies and against them. Moreover, opinions

and concerns have reached the federal level and have caused several proposals to be contemplated. Federal involvement has raised issues as to whether the controversy should be decided by the states individually or by the national government setting one uniform standard.

In the end, there is no definitive conclusion to the issue but rather more questions. It is unknown whether Tennessee will revert back to its inclusive law or whether Kentucky will defeat their law in a legal battle. Moreover, will their state legislatures and courts be relied upon to settle the issue in a true spirit of federalism or will the federal government override their decisions? There are also concerns for the quality of life for immigrants and the discrimination that narrow driver's license laws have caused. While many of these questions will be left unanswered for some years to come, hopefully, by the end of this analysis one can decide for one's self whether civil liberties have been suspended during this time of national crisis in a manner which is unjustified or necessary.

Background

The driver's license issue began in 1996 when the United States Congress passed several new welfare laws in an attempt to collect child support payments from "dead-beat parents." To accomplish this goal, Sec. 666 insisted that states require a SSN from those seeking a driver's license (42 U.S.C.A. Sec. 666 2000). The SSN could then be entered into a database that would crosscheck the SSN of those parents overdue on their child support. If the computer showed that the person had not paid their child support, then they would be denied the driver's license until the payment was complete. The federal government mandated that states comply with the law by giving them an ultimatum. If

states did not change their laws to reflect the new policy, then they would not receive federal welfare funds that were necessary for their own state programs. This was a serious threat as such funding was crucial to aiding many needy people (Ansley 1).

In response to the federal law, states reacted in different ways. Some began writing their own state laws in order to comply with Sec 666, while others waited until there was more clarification before they changed their laws. States that were confused were questioning how the mandate would effect people without a SSN and, if those people would simply be unable to obtain a driver's license. Most of the people they had in mind, were non-U.S. citizens who were either legally in the country but never issued a SSN or illegally in the country without any documents. Many people thought that denying such applicants a driver's licenses was illogical because it would not help collect overdue child support, the original intent of the law, but rather impede certain people's right and necessity to drive. Thus, they spoke out (Ansley 2-3).

Passionate groups spent a great deal of time lobbying, raising awareness and speaking to legislators about the possible effects of the law. Finally, the federal government began to see the problem. They agreed with the argument that limiting the driving ability of so many individuals would not help accomplish the goals of the law but only cause extra burdens. They stated that their goal was to collect overdue payments for children not limit those without a SSN from driving. Therefore, a national response was offered to clear up the ambiguity and put a rest to the concerns. Commissioner David Ray Ross of the Federal Office of Child Support Enforcement, the agency that introduced Sec 666, sent the July 14, 1999 memo to all the state compliance officers. The interpretation that he gave explained that the law required an applicant's SSN that "he or

she may have” not that he or she must have (qtd. Ansley 3). He further advised that if an applicant does not have a SSN then that person should provide a sworn affidavit with their application stating that they are without the number (Ansley 3-4).

Reacting to the newly found loophole in the law, many states took various actions. In North Carolina, Washington and Missouri officials interpreted their legislation in the same way advised by Mr. Ross by allowing those without a SSN to sign a sworn affidavit. New York and Utah, two states that accepted all foreign driver’s licenses, required from driver’s license applicants only a letter from the U.S. Security Administration proving they did not have a SSN. States like California and Oregon were even more flexible allowing for numerous types of documents in place of the SSN. All together, 15 states were working towards easing up their driver’s license requirements. Other states, however, ignored the new federal interpretation and chose not to make their laws more accessible to those without a SSN. Some states created extremely strict systems allowing no substitute for a SSN. Other states not only required a SSN but additional immigration documents as well. Whatever form of interpretation each state took, there was opposition.

In Tennessee, North Carolina Kansas and Utah pro-immigrant groups launched campaigns to repeal strict SSN requirements (Ansley pp. 1-7). These successful groups helped pass several bill repealing the restrictive law. On the other hand, certain states like Kentucky did not have a strong opposition force that would help them to reach their own repeal bill. Regardless of each state’s interpretations and opinions about the law, on September 11, 2001 any work in progress screeched to a halt. Much like everything else,

the driver's license issue was forever changed in the wake of the terrorist attacks (Ansley 5-7).

The response of shock, fear, anger, hate and defensiveness that September 11th caused immediately affected the legislation surrounding the SSN requirement. Due to the law's connection with undocumented and foreign-born peoples, many citizens became suspicious of driver's license applicants. Before 9/11, the issues that these laws had focused on were collecting child support and allowing those without a SSN to be able to legally drive; after 9/11 the issues shifted to the more serious implications of national security.

The manner in which the federal government responded to the devastation of the attacks reflected the way the state governments too reacted. The White House Office of Homeland Security spokesman Gordon Johndrow issued the following statement concerning the drivers license issue: "It's important to make decisions after careful study has been done and not do anything in haste. There are a variety of state laws dealing with a number of issues that have a homeland security angle...this is a long-term issue...over the course of the months, we'll be making recommendations to the states. (qtd. in "States" 1). In his statement Mr. Johndrow stressed that national security was not a matter for the states to take on alone by quickly passing legislation, but rather a sensitive issue that the states must patiently look to the federal government for guidance. His focus was to deter the states from quickly repealing old laws that required only a SSN and from passing new laws with stricter standards ("States" 1).

After the events of September 11th, regardless of the federal government's advice of gradual change, many states attempted to tighten up whatever form their current

policies were in. States with lax laws became strict; states with strict laws became even stricter. In fact, from 9-11-2001 until present, 46 bills nationwide sought to restrict driver's license accessibility ("Immigrants" 2). Moreover, fueling emotions for new policies was a letter sent to all 50 Governors by three U.S. Congressmen who urged a tightening of driver's licenses requirements to immigrants, legal or illegal. In the letter, the Congressmen cited the fact that several of the terrorists had received state-issued driver's licenses from Virginia and Florida because their laws made getting a driver's license very easy (Waslin 2002b 1). They also described driver's licenses as "keys to the kingdom of full participation in our society, enabling possessors to ...seek government services, and even enter flight schools (qtd. in Waslin 2002a 1)."

In response to the political pressure, Tennessee's pro-immigrant activist's struggle was a back in full swing. Since they had already repealed the law, they faced legislation that would diminish all the work they had done. On the other hand, Kentucky, like many other states, began drafting new legislation that would require a SSN along with other documents for driver's license applicants. The policy would also distinguish between citizens and non-citizens in the process that they would have to go through. Each state faced a long road ahead in beginning campaigns that would be even harder to win than before.

Tennessee's Campaign before 9/11

Before the 1996 federal welfare laws went into effect in 1997, Tennessee had no SSN requirement for driver's license applicants. Therefore, many undocumented workers in the state could receive a driver's licenses upon passing certain tests. These drivers were then able to acquire liability insurance. However, responding to Sec. 666

and the threat of losing two-thirds of the funding for Tennessee's Families First Program, which was provided through a block grant, the State Legislature adopted two subsequent statutes. The first Sec. 36-5-1301- Inclusion of social security numbers on certain licenses and the second Sec. 55-50-321- Application described that "Every application shall state the...social security number" went into effect July 1, 1997 (qtd. in Ansley 2). Following the enactment of the laws, Attorney General Paul Summers gave an opinion listing two exceptions: one of religious peoples who had been excused from participating in the Social Security system and the other of "foreign nationals legally in the country, and otherwise eligible for a driver's license but do not have a work permit" (qtd. in Ansley 2). However, no exception was listed for the more than 50,000 working undocumented people in Tennessee. Regardless, the loose federal interpretation by David Gray Ross gave pro-immigrant forces in the state hope for change. This hope inspired the formation of a coalition with the goal of repealing what they thought were oppressive laws (Ansley 4).

A Safety Campaign

In January of 2000, the Hispanic Ministry of the Diocese of Knoxville, backed by other Hispanic civil rights groups, headed by David Lubell, delivered their driver's license opposition in a campaign called "A Matter of Safety (Ugarte 2000a 1)."

Their arguments ranged from issues of safety to issues of morality. With regards to safety, the group asserted that refusing to license more than 50,000 undocumented drivers in Tennessee was a dangerous risk. The risk stemmed from the fact that prohibiting a driver's license also prohibits people from taking a written test, a driving exam and an eye exam. Without learning these skills, a large portion of the population

would remain ignorant to the rules and driving procedures of Tennessee roads. They argued that driving-laws in the U. S. were very different from those in other countries; for example in many Latin American Countries drinking and driving is not illegal. Moreover, without knowledge of such rules these drivers make roads unsafe not only to themselves but to all other drivers. Second, the group stated that if these unlicensed drivers were involved in a wreck, they would not have car insurance to pay for any damage. This could cause any injured victims to have no means to cover costs of pain and suffering. In 2000, national figures showed that 14% of all accidents were caused by uninsured drivers creating over \$4.1 billion in insurance losses each year. Furthermore, they looked at the fact that insurance premiums were raised for all Tennesseans as the number of uninsured drivers increased. A third argument, was based on statistics which indicated that uninsured drivers when pulled over by police were more likely to flee the scene of a crime. A fourth safety argument involved the inability of those without driver's licenses to open bank accounts. Though most Tennessee banks said they would open accounts for people without a SSN, they required a state driver's license, which put people back to square one. Without bank accounts, people were forced to carry all of their money with them which, they said, led to robberies and shootings. In fact, North Carolina changed its driver's license law based on an increase in crime (Ugarte 2000a 1-2).

The pro-immigrant force also provided arguments based on "common sense." First, they said that an underground system of making false IDs was flourishing and duping many desperate people into buying invalid licenses. Second, they claimed that Tennessee was losing money by requiring the Department of Safety to enforce

immigration law, which was not the job of local employees. Such employees were neither trained to do this kind of work nor were they fairly compensated. Furthermore, by doing the work of the Immigration and Naturalization Service (INS), their true job in maintaining road safety was neglected. In effect, they said that state taxpayers were funding a program in which the state was not supposed to be involved. Another waste of state money was spent translating the driving test into Spanish versions for people who could not even apply for a driver's license. Their third argument described the vicious unending cycle that those without a license were going through. When pulled over without a driver's license they became subject to being fined, sent to court and jailed. While in jail, many were tricked into paying bail but once they had paid, the deputies told them they could not be released. When they were finally released, they were ordered to get a driver's license. Obviously, they could not legally obtain a driver's license but they still had to drive to work. Thus they were vulnerable to being pulled over and going through the process again. Responding to this unfair practice, immigrant advocates proclaimed that undocumented people who "live, work, spend money, and pay taxes in the State of Tennessee," were being punished by doing just that (qtd. in Ugarte 2000a 2). Lastly, they said there was a drain of tax money used to house, feed and find lawyers and interpreters for unlicensed drivers, which lead to a backlog of valuable court time (Ugarte 2000a 1-2).

The Diocese coalition also addressed violations of morality. They stated that undocumented workers were being used as convenient cheap labor for citizens while at the same time being denied the right to drive to these jobs. They argued that ironically when employers need the labor, the lack of a SSN has never been an issue. Moreover,

even when certain immigrants tried to comply with the law by getting a proper license to drive to work they were denied. This double standard fueled much controversy over the value placed on human life; owners wanted cheap labor and consumers wanted lower prices but neither were willing to support an immigrant's basic right to drive (Ugarte 2000b 1-2).

Furthermore, the Diocese expressed frustration in carrying out their own work while complying with the law. The Catholic Church offered many programs to the immigrant community like ESL classes and Masses in Spanish yet they did not want people to be endangered by illegally driving to these events. They questioned how they were supposed to reach the community under these limitations. In fact, one of the Catholic Church representatives, Jeannine De La Torre Ugarte, wrote that the Church could not even celebrate the 2000 Jubilee until all people could "have access to one of the minimum requirements for their everyday lives, which is a Driver License" (qtd. in 2000a 2). Another argument alluded to the fact that racial profiling was becoming a problem as state police were increasingly pulling over individuals who appeared to be Hispanic to check for driver's licenses. The INS also partook in this profiling by waiting outside of court-houses to ask "suspicious" people for documents. In essence, they argued that when the undocumented tried to pay tickets or abide by the law, the INS were there to deport them (Ugarte 2000a 1). Other issues of morality focused on the fear that those without a driver's license felt, causing them to refrain from alerting the police when they themselves were victims of a crime. The group also added that the Knoxville police thought that the law undermined their ability to do police work.

Continuing their arguments, they demonstrated that deporting men and women on the basis of not having a driver's license ripped many families apart. The group provided examples of such separation. One example described a husband being deported and having to leave his wife and baby behind because he did not have a driver's license. Another example described a mother of three being who was deported and forced to leave her children in poverty. They argued that tearing families apart only caused those left behind to be dependent upon welfare support, which drained state resources. Moreover, despite the fact that INS agents told pro-immigrant forces that immigrants would not be deported because they did not have a driver's license, they have obviously done just that. (Ugarte 2000b 1-3).

The Tennessee economy was also adversely effected. A great many industries such as food, tobacco, construction, and hotels depended on the immigrant population to do work that most citizens refused to do. Ironically, such workers even cleaned the Tennessee Supreme Court building. When those without a SSN could not get a license to drive to work, such industries suffered and the economy was hurt. In fact, the effects on the economy had the potential to be devastating if the more than 160,000 immigrants and refugees in the state ineligible to drive to work had chosen to obey the law (Ugarte 2000b 1-3).

Furthermore, they pointed out that several U. S. organizations legally recognized the presence of undocumented people. For example, the Equal Employment Opportunity Commission stated that their goal was to free all employees, "regardless of their legal status" from employer discrimination. The American Federal Labor organization supported amnesty for even those who were undocumented and called for a change in

immigration law (qtd. in Ugarte 2000b 3). These groups recognized that a large part of the workforce consisted of undocumented people thus they needed to do their jobs to protect the entire workforce regardless of legal status. Moreover, the U.S. Census Bureau counted even undocumented people in the census because they wanted more money to come to the state for services. The Immigration and Naturalization Services (INS) even encouraged this practice by promising that there would be no raids during the census. The Internal Revenue Service (IRS) recognized undocumented people as taxpayers by issuing the Individual Tax Identification Number (ITIN) and collecting their money. The Diocese then compared these actions to the Tennessee Department of Safety, which would not issue a driver's license for the safety of citizens, though that was their job. They disappointedly said that the state would not even allow this basic means of living to people whom they "use" everyday (Ugarte 2000b 2,3).

The pro-immigrant campaign also addressed concerns from the other side of the controversy. Some groups feared that issuing a driver's license to undocumented people would undermine the INS. They wondered if states would be stepping on the federal government's toes by issuing a legal document such as a driver's license to people the INS had refused legal status. To that concern, the group stated that "No, INS undermines itself" (qtd. in Ugarte 2000b 3). Elaborating on that statement, they expressed that immigration law reflects the interests of big business and thus increasingly issues professional visas so that immigrants can enter the country when employment is available. Furthermore, this showed the lack of importance placed on such people thus making them easy to deport or bring in when necessary. In fact, one agent said that

detainment was occurring “to fill busses sent to deportation stations in order to justify their budgets” (qtd. in Ugarte 2000b 6).

Another opposing argument questioned giving licenses to undocumented people for fear it would cause a drastic increase of illegal immigrants to Tennessee, which could drain public benefits. The Diocese responded that jobs were the primary incentive that attract undocumented workers to a state; not a desire to use up state benefits. They also stated that a driver’s license alone would not allow people to receive public benefits because other documents and forms must be filed along with a lengthy process to determine eligibility (Ugarte 2000b 5-6).

The group also responded to the argument that law enforcement’s job would be more difficult if they had to issue more driver’s licenses. The Diocese asserted that the reverse was true as police would not have to arrest drivers because they were without a license. They added that this too would cause less overcrowding in jails. Furthermore, receiving a driver’s license would register immigrants into state databases making their actions more easily traceable such as a lack of paying child support, working towards the original intent of the law. Thus, police officers could focus on doing their job of removing dangerous criminals instead of doing INS duties (Ugarte 2000b 4-6).

Overall, the Diocese and pro-immigrant forces focused on the 160,000 immigrants and refugees in Tennessee. They noted that over 50% of them were in the U.S. legally and the majority of those people were adults who worked and paid taxes. They insisted that these immigrants would always be on the road to drive to work, church, the grocery store, the doctor etc. thus denying them a license would only make them a constant safety threat (Chamber 1).

The Hispanic rights group's arguments encouraging a repeal made headway. In the fall of 2000, correspondence began between the Senate Chamber of Commerce and the Department of Safety. Further communication of the repeal continued throughout the beginning of 2001. In February 2001, shortly after repeal legislation was introduced in the legislature, the Coalition for a Safer Tennessee was created as a statewide partnership for the advocacy of the bills. Supporters of the coalition included The Memphis Police Department, the Knoxville Police Department, the City of Memphis, Christ Community Medical Clinic in Memphis, the Tennessee Bar Association, Emergency Communications District in Shelby County, Tennessee Catholic Public Policy Commission, Nashville Chamber of Commerce and other government, community, business and religious organizations (Lubell 1).

The first legislation was Senate Bill 1266 proposed by Sen. James Kyle, a Democrat from Memphis and House Bill 0983 proposed by Representative Turner from Nashville. The bills called for an amendment to the Tennessee Code Sec. 55-50-321, which would require a SSN only if the applicants had one (HB 983). Furthermore, in place of a SSN the applicant could supply an, "authentic document from the Immigration and Naturalization Service; alien registration card..." and other named pieces of documentation along with a signed affidavit stating they have never been issued a SSN (HB 1266). In May 2001, Governor Sundquist signed Public Chapter 158 into law. The immigrant community and other advocates cheered as the new bill that they longed so desperately to pass became reality. The coalition stopped its activities believing that the battle was over. Little did they know that in about four months all the cheers would turn to devastation and the coalition would have to re-form (Lubell 1).

Tennessee's Campaign after 9/11

As one activist put it, “the campaigns to increase immigrant worker’s access to driver’s licenses that were ongoing around the country in 2001 have suffered a post September 11 backlash (qtd. in Smith 1).” In the months following 9/11, the county tried to piece together what had happened on that black Tuesday. Many laws relating in any way to immigrants or foreign peoples became suspect, and the driver’s license issue in Tennessee went to the top of that list.

As early as October 2001, opponents of the repeal were already calling for a reversal of the law. Senator Marsha Blackburn, who had been trying to repeal the law since early in the year, criticized the policy for providing an “enormous loophole that individuals with ill intent can go through to get valid state documents (qtd. in Cruz 2001 1).” Blackburn expressed her disdain that Tennessee was among only three states, the others being Kansas and Utah, that did not require a SSN, which allowed “illegal immigrants, deadbeat dads, identity thieves and others to circumvent the law (qtd. in Gerome 1).” Furthermore the senator expressed her biggest fear that terrorists could use Tennessee’s lax system to obtain a new identification and photo. In response, Representative Turner, the sponsor of the original bill, stated that he hoped that Senator Blackburn would not use the horrific attacks as an excuse to repeal what he thought was a successful safety law. Dana Keeton, Safety Department spokeswoman, responded that no one linked with the terrorist attacks had obtained a Tennessee driver’s license. Moreover, she stated that changing the law would not only make roads once again unsafe and licensing centers more hectic, but it would accrue a false sense of security (Gerome 1).

The arguments continued and in November immigrants rights activists and the Coalition for a Safer Tennessee took part in a weekend conference. One of the organizers, Jerry Gonzalez attacked arguments that terrorism was related to the license law by stating that any driver's license law could be circumvented; a serious terrorist could make his or her own passport or create a false SSN. Furthermore, he stated that just by allowing someone to legally drive "did not allow them the opportunity in and of itself to hijack an aircraft (qtd. in Whitaker 1)." He also stated that easier access to driver's licenses put an otherwise legally invisible population in a database where police could better track those who pose a threat of any kind.

At the conference, they discussed and planned strategies to prevent a repeal by studying the effects of the law. First, they showed that the current law saved the state money. By licensing more drivers, police and court resources were not wasted on apprehending working immigrants who did not have licenses but instead allowed them to seek out dangerous criminals. Furthermore, the group showed that \$558,233 of actual additional revenue had been saved since the law's enactment on May 2001. Second, the group asserted that the 9/11 terrorists would not have been able to get a driver's license in Tennessee under the current law. Primarily, even though each terrorist provided a SSN, they would have needed two forms of proof of Tennessee residency, a requirement that is one of the strictest in the country. Additionally, if the terrorists had not had a SSN they still would have had to been issued two official government documents proving their identity and age. Furthermore, they asserted that a SSN requirement was not fool proof protection; real terrorists could find a way to get any documents they needed to spread

fear. Whatever their arguments, they knew there would be much controversy on January 8, 2002 with the start of the legislative session (Whitaker 1-2).

The Legislative Battle

When January arrived, the Sundquist administration began considering ways to tighten the issuance of driver's licenses. They were not supporting a total repeal of the law but they were contemplating requiring INS documentation as part of the application process. In response, the pro-immigrant forces stated that they did not think that this requirement would prevent terrorism but only act against the "everyday hard-working immigrants" who were the ones directly effected by the law (qtd. in Cruz 2002 1). As for the Tennessee Department of Safety, they did not support a repeal either but rather other ways to strengthen the existing policy. All the while on the federal level, the American Association of Motor Vehicle Administrators (AAMVA) began discussions regarding national standards for requiring INS paperwork (Cruz 2002 1-2). However in Tennessee on January 28, 2002, a Repeal Bill (House Bill 2029 and Senate Bill 1999) sponsored by Senator Blackburn and Representative Rowland was sent to the House Transportation and Safety Planning sub-committee.

Consequently, by February 2002 the driver's license debate grew more heated. An additional Partial Repeal Bill (House Bill 2695 and Senate Bill 2860) was sent to the House Transportation and Safety Planning sub-committee on February 6th. This bill seemed to have more momentum than the full repeal bill and thus it was sent to the Senate Transportation Committee on the 26th. On that date, it appeared that the bill would be voted upon and it also seemed to have enough votes to pass out of the committee. This support was due in part to representatives from the Federation of

Americans for Immigration Reform (FAIR), reportedly the largest anti-immigration group in the country, who had flown in from Washington to help Senator Blackburn with the partial repeal bill. However, at the last second, the vote was postponed after the Office of Homeland Security in Washington issued a statement asking states to delay voting until further national security analysis could be undertaken (Palmer 2002a 1). This statement along with support from the Governor's office and the Senate Transportation Committee chairman, Tommy Haun, caused a three week delay.

At that point, several other arguments surfaced. In response to tighter requirements, Roland Colson of the Department of Safety stated that reversing the law "would make roads more dangerous, licensing centers more stressful and the nation no more secure (qtd. in email)." Many Hispanic organizations like the Memphis Connection produced and dispersed as much information as possible supplying the reasons why the law was originally changed and arguing that it should remain that way. This effort, as David Lubell, an immigrant activist, put it, was a way to help clarify misinformation that was falsely causing fear. This clarification centered mostly on issues of safety previously put forth and modified arguments developed at the earlier conference. The opposition, however, ignored most of those arguments and focussed exclusively on the issue of national security (Palmer 2002a 1).

State Representative Tre-Hargett stated, "I think we now have a group of people who have driver's licenses that we can't necessarily verify who they are and who they say they are (qtd. in Palmer 2002a 1)." Those who agreed with the statement brought forth a rumor that people had driven to Tennessee just to obtain a license for unknown reasons. One such reason they feared was use for identification purposes to board

airplanes. In an attempt to ease overreactions, the Department of Safety stated that the current law did not contribute to terrorist action. They also defended the current legislation by stating that even, “having a social security number is not a fail-safe mechanism (Palmer 2002a 1).”

Finally, in March voting on the various proposals began. The Partial Repeal Bill was sent to a sub-committee for a vote and was defeated. However, minutes before the vote took place Representative Rowland added two previously unseen amendments. The first required non-U.S. citizens to show proof of their legal presence and the second provided that if legal presence could not be shown than a letter from the Social Security office would be necessary to demonstrate that the person did not have a number. Though the bill failed, the last minute amendments shook the pro-immigrant groups as they realized that no Social Security letter of the kind existed (Palmer 2002b 1).

Though the partial repeal was dead, the struggle continued with the total Repeal Bill (House Bill 2029). The bill was sent to the House Public Transportation and Highways sub-committee to be voted upon on March 26th. This committee was one in which the coalition had never worked with and one that tended to be very conservative. However, Senator Blackburn did say that she was not pushing the bills too hard as she and others were waiting for something to be passed down from the federal Office of Homeland Security (Palmer 2002b 2).

Thus, when March 26th arrived the bill was again postponed for four weeks by the committee’s chair, Rep. John White. Many Republican representatives expressed their objection, while those on the other side were thankful for the delay of a vote, which they believed they would have lost. Also, the House Bill’s partner bill, Senate Bill 1999 was

scheduled to be voted upon on April 3rd. In the remaining part of the month the two bills were amended to allow individuals without a SSN, but with proof of legal status, to get a driver's license, which was essentially the same as the defeated partial repeal bill (Palmer 2002c 1).

At the beginning of April, legislation began to get even more complicated. In addition to the two bills that made up the total Repeal Bill, a new bill, House Bill 3186/Senate Bill 3139, was introduced. The new bill, which was not driver's license specific, grasped the attention of Rosalind Kurita, a member of the Senate Transportation Committee, who added an amendment to it. The amendment created a "driving certificate" for driver's license applicants without a SSN. The certificate would allow immigrants to drive but it would not serve as an identification card. Most disturbing to pro-immigrant forces was the fact that it would look different than a normal driver's license in color and it would be stamped with the words "For Driving Purposes Only." The bill also stated that the license would expire in one year and during that time the holder could not obtain a separate identification card. Opposition to this bill focussed around the fear of singling out "an already vulnerable class of people (qtd. in Lubell 2002a 1)." They feared that the INS and other agencies would monopolize on the license causing profiling and deportation. On the other hand, Senator Kurita defended the measure as a middle ground for both sides thus calling it the "compromise bill." This amendment and the older bills would be voted upon on April 10.

When April 10th arrived, one vote took place. Denny King, the State Safety Commissioner, presented the new compromise proposal to the House and Senate Transportation committees. The Senate panel voted 9-0 to adopt the policy and

recommended further approval. Senator Blackburn, the author of the original bill, voted for the compromise though she stated she still wanted a law that kept people without a SSN from getting a license. However, when it reached the House committee, they chose to delay considering the policy until they could further review it (Locker 2002a 2).

Finally on April 17th, the compromise bill passed both of the legislative houses and moved toward becoming law. It is worth noting however, that the House Transportation Committee voted against a proposed amendment to the bill that would place the words “U.S. Citizenship Not Confirmed” on the license. Governor Sundquist was also in favor of passage of the bill, which he thought would meet the interests of public safety and national security. There was also criticism against the bill from anti-immigrant legislators who thought it was not strong enough to protect against terrorism. On the other side of the argument, immigrant advocates worried about the implications for applicants with neither a SSN nor any INS documentation. They also protested the one year renewal period for non-citizens compared to the current five year renewal period for citizens. They thought the difference would cause further inconvenience and cost. However, the bill proceeded to the House Finance Committee to decide costs of enforcing the policy (Cheek 1-2).

In the meantime, Senator Blackburn’s repeal bill (SB 1999/HB 2029) was set to be voted upon on April 23rd. There could be no further postponement, at least in the Senate Transportation Committee, since the vote was set for their last meeting of the year. Immigrants and their advocates hoped that the repeal bill would be killed all together since the compromise bill was becoming more popular. Though such groups did not fully agree with the compromise, they struggled to decide whether it was preferable

to losing everything for which they had worked. Regardless of their concerns, the repeal bill was killed once it failed to pass the House. Now, the Compromise bill was the only pending legislation left (Lubell 2002b 1).

On April 24th, the Senate unanimously approved the Compromise bill. The bill, which had been approved by the House committee awaited a vote on the floor of the House of Representatives (Locker 2002b 1). Again, immigrant forces were unsure where they stood since supporting the compromise was not what they wanted but opposing it could cause the even stricter total repeal bill to be re-opened. Legislators, sympathetic to their mission, told pro-immigrant groups that the compromise bill was a much better alternative to the rising political pressure from constituents who wanted a full repeal to the law. Therefore, the advocacy groups decided not to directly fight the compromise bill but instead passively wait it out (Lubell 2002b 1-2).

In the meantime, the House continued to postpone the vote on the compromise bill well into May 2002. The sponsor of the bill, Representative Gary Maddox, helped promote the delay due to an amendment that Representative Odoms was trying to add. The amendment would require additional proof that the applicant was legally in the U.S. and thus make the compromise an actual repeal bill. The House passed the amendment making it likely that they would pass the entire bill if it had not been for the delay. Though the Tennessee Department of Safety and the Governor opposed the amendment, when the vote came up at the next meeting, the bill with the Odoms amendment passed the House. The bill would not move any further until the legislature re-convened on June 19 (Palmer 2002d 1).

At that time, the bill was sent to the Senate to either accept the bill with its Odom amendment or reject it entirely. On June 25th, the Senate did not agree with the Odom amendment attached to the House version of the bill. The bill was thus sent to a conference committee made up of members of the House and Senate to reconcile the differences. There the committee made recommendations for the bill, but time ran out in the legislative session before the House could vote. By July 8th it seemed that no change would be made to the driver's license bill in 2002 (Lubell 2002c 1).

That assumption was quickly proven wrong. On July 19, 2002 Governor Sundquist adopted by rule some of the provisions of the failed compromise bill. As governor he had the ability to create rules for his chosen agents to carry out. The new requirements included: statements on the front of the license specifying if the applicant did not have a SSN or documentation from the INS. If they did not have the required paperwork then the license would say "For Driving Purposes Only" and in the space where the SSN would go the phrase "None Provided" would be stamped in red. A license branded this way would not serve as a form of identification. Similarly, without INS documentation no identification card would be issued. At least three testing centers were to be set up in West, East and Middle Tennessee for applicants staffed by employees who were said to have "intensive training in working with foreign documents (qtd. in Lubell 2002d 1)." These new rules, which made Tennessee the second state in the country to print on a license whether a person had a SSN, were not without controversy (Lubell 2002d 1).

Responding to harsh rules

Pro-immigrant groups immediately proclaimed their fear that all efforts to improve road safety were now back to square one. They questioned whether people without a SSN would apply for the new license since it would put them at great risk for deportation. Even if a person was eligible to gain a license but could not provide a SSN then the “scarlet letter” like brand on the front of the license would perpetuate assumptions about a person’s immigration status (qtd. in “A New” 1).” Moreover, many feared that certain immigrants would not obtain a driver’s license thus putting their lives at risk and threatening road safety. Along with this argument, others scolded the Tennessee government for failing to do its job to protect road safety. Furthermore, they stated that terrorism and security fell under the jurisdiction of the Office of Homeland Security not the state of Tennessee. Some on the other side of the controversy praised the Governor’s actions while others were not yet fully satisfied. However, all the opponents of easier access to licenses looked forward to less crowded lines at Department of Motor Vehicle offices that had become so long after the new law passed in 2001 (“A New” 1).

Immigrant advocacy groups are now considering challenging the new rules in a court of law. Latino Memphis, an immigrant advocacy organization, represented by David Lubell and Jerry Gonzalez stated in October 2002 that if the rules do not change under the next Governor’s administration then they would file a lawsuit in federal court. They said that they have several possible plaintiffs who have been wrongly denied a driver’s license even though they meet all of the new requirements. Furthermore, they will continue to collect stories, build their arguments, and speak to the Gubernatorial candidates (Wadhwani 1-2).

Tennessee's dealings with the driver's license issue have been very similar to a roller coaster ride. After federal Sec. 666 mandated that states require a SSN, Tennessee's government quickly complied. Then, an influential pro-immigrant force succeeded in repealing the law. The attacks of September 11, 2001 occurred and brought with them the threat that the repeal would be reversed. After a long legislative battle the original repeal remained in tact, but an adoption of policy by the governor afterwards put into effect several restrictive policies. Now advocacy groups are waiting and preparing to see what will happen with the new rules. Possible court and legislative battles lie in the distance, ready to be fought.

Kentucky's Struggle before 9/11

While legislative controversy plagued and continues to plague the state of Tennessee since September 11, a different kind of controversy has take shape in the nearby State of Kentucky. Though the two states share a border, they have not shared in the same success regarding driver's license legislation before September 11th. They have however, experienced the same kind of anti-immigrant sentiment created by September 11th and the new arguments of national security that surfaced in its aftermath. Moreover, Kentucky has recently moved into the legal arena that Tennessee has not yet had to pursue.

Before 9/11 and after the federal welfare laws came into effect, Kentucky's government like many others quickly complied with the new SSN demand. However, different from Tennessee, Kentucky did not have, at this time, any organized coalition or group that was working on a repeal to the bill. Sources have speculated that there may have been a very small grassroots attempt to began discussions about the new restrictions

but nothing of significance came from it. In fact, it was not until 1998 that the Latino Coalition in Louisville began, which has been the main group since 9/11 fighting against the restrictive law (Meyer 1).

The coalition began in April of that year inspired by a desire and interest by many citizens, immigrants and others, to serve the needs of Latinos. The volunteers soon after created a subgroup called the Advocacy Committee, which would focus more on issues of immigrant's civil rights and the way certain laws and policies created instability in some of their lives. When the driver's license issue caught the groups attention, after 9/11, they decided to focus on all immigrants and not just Latinos. They looked to states like North Carolina and Tennessee to gather information against strict driver's license regulations to disperse to the community. The group hoped that they too could be successful in Kentucky, but they did not realize the magnitude of the challenge that laid before them (Sharfenberger 1).

Kentucky's campaign gains momentum after 9/11

The aftermath of September 11th brought to the coalition perhaps an even more difficult struggle than took place in Tennessee. As soon as a month after the attacks, Tony Miller, the Jefferson Circuit Court Clerk, appealed to the Kentucky congressional delegation to create laws to make current driver's license policies more strict in order to prevent terrorism and "to preserve the integrity of the driver's license (qtd. in Wolfson 2001a 1)." Though at the time Kentucky law required a valid Social Security card, Miller did not view it as adequate protection. He explained that his deputies had uncovered many fake cards from desperate applicants. In fact, in 1998 an article was published in the Courier-Journal regarding the increase of illegal immigrants to the state due to the

ease in which they could obtain a license. To prevent against future counterfeit, he requested that federal INS agents help Kentucky driver's license clerks identify fake documents from foreigners trying to get a license (Wolfson 2001a 1-2).

Quickly responding to his plea, the state Transportation Cabinet put into effect several new policies. They first assigned hearing officers to review all documents submitted by applicants of foreign countries before the deputies at clerk's offices could review them. Miller complained that despite annual training from INS agents, the hearing officers were no more skilled than his deputies. Therefore, Miller sent an official letter to U.S. Representative Anne Northup, a Louisville native and Republican in the 3rd District, and other Kentucky legislators asking for law that would require INS staff members to work in local state offices. In his letter, Miller addressed concerns that rested on the fear that those foreigners with tourist visas could easily obtain a driver's license, which would open the door for them to remain in the country illegally after their visas had expired. He argued that there was no reason for these visitors to get licenses as most of their home-country's licenses would allow them to drive in the U. S. for at least one year. Finally, Miller argued that the only way to prevent fraud was through INS agents, who were the only people trained to verify licenses from dozens of different countries. Northup replied to Miller stating that she would work to create such a federal law if the Office of Homeland Security deemed it necessary (Wolfson 2001a 2-4).

In November, groups within the state from both sides responded to Miller's pleas by holding conferences to discuss their strategies. In particular, the Chairman of the House Transportation Committee planned for a public hearing to lay out the issues of the

driver's license controversy. Pro-immigrant groups immediately worked to present their position against tougher restrictions (Alvey 1).

The advocates pointed out that stricter policies were “an inefficient way to enforce immigration laws and prevent terrorism (qtd. in Alvey 1).” First they addressed Miller's concern that driver's licenses would allow illegal immigrants to stay in the country after their visa expired. They stated that licenses were insufficient means to obtain required documents that would allow a permanent stay. They also accused Miller of attaching more legal weight to the driver's license than it really had. They asserted that a driver's license could not grant someone a SSN or work eligibility. Furthermore, they provided evidence showing that such policies neither deterred immigration nor did they prevent sophisticated terrorists from getting driver's licenses (Hunt 2002a 1).

Moreover, they stated that the 9/11 terrorists were in fact all legally in the U.S. and had established legal residences, which would have allowed them to obtain a Kentucky license even under the new policies. They further mentioned that even if terrorists could not legally obtain a license they could obtain forged documents from their highly organized networks. Also, the terrorists did not need driver's licenses to board the airplanes but rather foreign passports; they suspected that passports would continue to be accepted from foreign travelers (Hunt 2002a 2).

Also, they proclaimed that limiting licenses decreases security as immigrants would then avoid contact with law enforcement. Fearing deportation, some immigrants could choose not to report criminal activity such as terrorism. Moreover as immigrants were denied licenses, sale and production of counterfeit documents increased thus causing less accurate information about those in the country. Advocacy groups asserted

that if immigrants were allowed licenses, they would be entered into a database and thus accounted for. Overall, the advocates urged legislators to think about the consequences of passing laws that would only make people feel better but in fact would not make people any safer (Hunt 2002a 1-2).

After the public hearing, the Transportation Cabinet adopted 18 reforms to tighten driver's license requirements. Among the reforms implemented was a 30-day waiting period for the purpose of deciding if foreigners were even eligible for a license. During this time, applications that seemed suspicious were turned over to local police for analysis. If the documents were approved then applicants had to wait for verification by mail and then proceed to the clerk's office to continue with the regular procedures. If they were somehow able to get a license, the license will expire when that person's visa expired. If the applicant was foreign born but was indefinitely granted legality to remain in the country, they had to renew their license every two years instead of the four year period allotted for citizens. Foreign applicants were required to submit additional documents to prove Kentucky residency such as a photo ID, lease agreements, household bills, etc. Moreover, those with tourist visas could no longer obtain a state driver's license. Miller asserted that though the policies were a good first step, they were still not as strong as they would be if there was an uniform national policy (Wolfson 2001b 1). Immigrant advocates responded to the reforms stating, "The only impact of these proposed changes, which seem to presume that all immigrants are potential criminals, will be to heighten anti-immigrant profiling and backlash (qtd in Segal 2002a 1)."

By mid-January, Representative Mike Weaver proposed House Bill 188, which would put the reformed policies into law. In addition to the reforms, the bill would make

sure that the duration period of the license corresponded with the duration of the foreigner's visa. Furthermore, non-U.S. citizens would have to pass both a written test and driving test whereas before only the former was required. Soon after, the Military Affairs and Public Safety House Committee passed the bill moving it for consideration by the House Transportation Committee ("Bill" 1).

Meanwhile, hearings were being held to try and clear up the controversy and debate surrounding the bill. One opponent of the bill, Representative Coleman, introduced an amendment that would allow undocumented people to obtain a driver's license. Instead of submitting immigration documents and other forms, illegal immigrants could submit their ITIN to allow more drivers to be licenses. Representative Coleman focussed on safety issues and other arguments asserted by Tennessee before 9/11 (Hunt 2002b 2).

At a meeting set to discuss this amendment, Representatives Coleman and Representative Weaver, among other parties from both sides, could not come to a compromise. Representative Weaver rejected the amendment as he thought it would make his bill meaningless. He did say the amendment would be tolerable but only if it applied to Hispanics and not to all immigrants, including those of Middle-Eastern descent. However, the pro-immigrant representatives stated that they would not discriminate between immigrants of different nationalities. The advocates accused Representative Weaver of racism and discrimination, which only made him angry and less likely to come to an agreement (Hunt 2002c 1)).

After this unsuccessful attempt at compromise, Representative Coleman decided to pursue his own bill to counter House Bill 188. His bill, House Bill 205, would allow

illegal immigrants to apply for licenses with submission of a photo ID from their home country in order to prove their identity. This bill rested on the argument that the 60,000 and growing undocumented workers in Kentucky could not be forced to drive illegally. He showed that doing so has many implications one of which involved the statistic that unlicensed drivers caused about 20% of all accidents. Representative Coleman stated, “these people aren’t terrorists...They are the people who mow our yards, clean our hotel rooms, [and] cut our tobacco (qtd. in Wolfson 2002c 2).” Arguments of safety, morality, practicality and money were asserted by the Catholic Conference, The Kentucky Farm Bureau, pro-immigrant and immigrant forces. In truth however, they were no match for issues of security that capitalized on fear.

One such argument asserted by opponents of House Bill 205 cited Tennessee statistics to undermine the bill. They pointed to the 30,000 Hispanics who fled to driver’s license branches after the easier requirements were passed and the complications that it caused. They stated that the inconvenience to Tennessee citizens was a cause for much complaint and something that Kentucky citizens would not deal with. Fortunately for them, immigrant friendly House Bill 205 was quickly defeated and the focus shifted back to their bill (Wolfson 2002c 2).

In the General Assembly where House Bill 188 remained, opposition increased. Opponents began to find new ways to oppose the bill’s tight regulations. The story of Jun Sang Ham, published in the Courier-Journal, demonstrated how the law had actually effected someone. Ham, a native of South Korea, attempted to renew his driver’s license, as he had done the past eight years, by going to the local Department of Motor Vehicle (DMV) office. He, however, was turned away and sent to a state Transportation Cabinet

field office. Fortunately for Ham, there was an office not too far away in the city but for others in the state such an office could be 200 miles away. After he visited the office twice, he learned that it would take at least 30 days for his documents to be approved. At that time the papers would be returned to him in order to be processed by the local DMV. Ham was legally in the US on a student visa to study at the Southern Baptist Theological Seminary, but he could not legally drive to school (Wolfson 2002c 2-3). Advocates on his behalf criticized the more than minor inconvenience as discriminatory and unnecessary.

Despite such stories of effected peoples, on March 1 the Kentucky House voted 79-13 to send House Bill 188 to the Senate. The vote was preceded by a heated three hour long debate over national security and individual civil liberties. One of the few critics of the Bill was Representative Bob Heleringer, a Republican, who compared this legislation to policies implemented toward Japanese-Americans after World War II. Representative Heleringer stated, "Oh, what we do in the name of security, Oh what we do in the name of fear (qtd. in Wolfson 2002c 1)." The opponents also attacked an ambiguous part of the bill, which called for the driver's license to obtain whatever information the Cabinet deemed necessary. They said that the author's poorly written bill was "passing the buck" to incompetent bureaucrats to clarify (qtd. in Wolfson 2002c 1). In favor of the bill, legislators referred to patriotism and national security. They made references to September 11th to prove that "security comes before individual rights and there won't be any individual rights without some security in our land (qtd.in Wolfson 2002c 2)."

As the bill was pending in the Senate Transportation Committee, the debate only intensified. Pro-immigrant groups held rallies to deter the Senate from approving the bill. At one such rally, Haydee Canovas, an immigrant whose parents migrated from Cuba 40 years ago, stated that her parents would never have imagined she would suffer from such discrimination. Canovas stated, “My parents fled Cuba because they wanted their daughter to have equal rights. They didn’t want me to see separate driver’s license offices—one for immigrants and one for citizens (qtd. in Burling 1).” Other opponents cited the hardship not only for refugees like Canovas but for non-US born doctors working in Louisville hospitals and non-US researchers assisting University of Louisville students in finding a cure for cancer. Rally speakers exclaimed that these burdens were caused by “reactionary legislation” that only falsely eased fear but did nothing to prevent it. Furthermore, they stated that this type of measure allowed the terrorists to succeed by changing American policy. Advocates of the bill continued to deny alleged discrimination by describing the Bill as a measure to promote safety and not to promote inequality. They stated that the Bill was in place to protect everyone, non-citizens and citizens alike and in order to do so everyone had to make sacrifices (Burling 1).

Despite their defense, more opposition came through newspaper articles condemning House Bill 188. One such story focussed on the unfair burden placed on non-US citizens. Jana Meyer and Gretchen Hunt, members of the Advocacy Committee who authored the piece, argued that if the new driver’s license requirements were about national security, then they should be applied equally to citizens as well as non-citizens. They explained that driver’s license fraud was not just committed by non-citizens but that “citizens are just as likely to be seeking licenses for criminal purposes (qtd. in Hunt

2002d 1).” Therefore, they asked legislators to enforce the law equally. The women also criticized the Transportation Cabinet’s lack of evidence showing that the law has had any effect on security. Rather they cited their own proof regarding how many mistakes deputies had made in implementing the policy. One such mistake, they said, was turning down lawful permanent residents who had shown proper INS documents and who were eligible for a driver’s license under the law. The authors stated that such mistakes were causing people to have to take off work to make additional trips to obtain licenses, which cost money and posed a risk to their jobs. Also, they cited government employees who thought they were too unqualified and underpaid to implement the new policies. Meyer and Hunt expressed that the new policies served only to “harm innocent, lawfully present non-citizens, to increase bureaucracy and to lure us into a false security (qtd. in Hunt 2002d 2).” They concluded by calling for legislators to vote against the unjust and possibly unconstitutional policy (Hunt 2002d 1-2).

In a letter to the Editor, Peggy Cummins addressed other problems with the law. She stated that even before the law was passed, Miller implemented all of its provisions. She explained that an exchange-student staying with her called to make an appointment to gain a license in March but could not even get an appointment until the end of April. Cummins stated that while this example showed merely an inconvenience to her student, other immigrants who had to go to work or drive to the hospital in an emergency could not wait over a month just to start the proceedings. By providing this example she reiterated what she believed was the true effect of the law on working immigrants (Cummins 1).

Jeffrey Segal, an Advocacy Committee member and immigration attorney wrote another letter to the editor of the Courier-Journal. Segal addressed the problem of the extreme slowness in which the INS processed immigration documents. He stated that it would be impossible for immigrants to refrain from driving for the period of months that it would take the INS to mail them their papers along with the period of months once the DMV was involved. He also stated that Miller's insistence that immigrants could drive with their home-country's license was not viable since many immigrants came to the U.S. without licenses. He finished by stating immigrants unfairly have the choice of not driving or breaking the law (Segal 2002b 1).

Despite such strong criticism from immigrant advocates, House Bill 188 passed the Senate on March 30th. The bill was approved 33-1 with new amendments attached to it. The new provisions allowed refugees and people granted political asylum to be eligible for a driver's license. Thus the new version of the bill was sent back to the House. On April 2, the bill won final passage by a vote of 66-31. The second vote by the house had less support as 13 less members voted in favor of it ("Senate" 1). The bill received the Governor's signature on April 9th. Kentucky then became the first state to have the most strict driver's license legislation ("House" 1). Though the bill was set to go into effect on July 15, 2002, pro-immigrant forces were far from giving up.

Kentucky's Legal Battle

After the passage of House Bill 188, Roman Catholic bishops acting on behalf of the Catholic Conference of Kentucky (CCK) filed a formal complaint to the Department of Transportation Office of Civil Rights in Washington, DC. Reverend Pat Delahanty, a policy analyst for the CCK, sent a letter asking for a federal investigation of Kentucky's

Transportation Cabinet. He alleged that the Cabinet violated Title VI of the Civil Rights Act of 1964 by treating certain residents of Kentucky unequally based on their national origin. He cited specifically House Bill 188 as an unfair law that separated particular groups of citizens and non-citizens and required them to go through different procedures. More specifically, Delahanty, claimed that, “The Department is discriminating against lawfully present immigrants by requiring them to obtain driver licenses in a significantly different manner than citizens (qtd. in Delahanty 1).” He explained that non-citizens had to go to a Transportation Cabinet field office for document approval before they could go to a local county clerk’s office. Some people, he stated, such as non-US born citizens living in Middlesboro, Kentucky would have to make a 200 mile trip to get to the nearest field office, while US born or legal permanent residents of Middlesboro could drive just a few miles to the clerk’s office. According to the CCK, the fact that some people had to spend the time and money to make a trip of this sort and others did not signified disparate treatment.

Another act of unequal treatment involved the expiration of the license. Currently, certain groups of people who are allowed to stay in the US for an indefinite period of time such as refugees, asylees, holders of K-1 visas and those paroled in the public interest, are exempt from the law and required to follow the same procedures as any other Kentucky residents. However, non-citizens who held a visa with a set expiration date had to go through a rather lengthy process to get a driver’s license, which was only valid for either the amount of time they could legally be in the country or four years, whichever was shorter. Besides the differences in the process, the CCK pointed to the differing costs. All non-citizens holding only a work permit or similar document had

to renew their license every year and pay \$8.00 each time and other non-citizens with an indefinite visa, besides the categories listed above, had to renew their license every two years. Native citizens however only had to pay the \$8.00 fee one time, which would last them four years. Delahanty saw this difference as “clearly discriminatory, Why should any Kentucky taxpayer pay four times the amount that others do? They’ve helped pave the same roads as other drivers and shouldn’t be treated differently (qtd. in Delahanty 3).”

Furthermore, the CCK criticized the Transportation Cabinet on other grounds. They agreed that the Cabinet had not made any attempt to provide interpreters for those who needed them not only for driving tests but for basic interpretation of the law. He stated that the Cabinet posted a note telling foreign applicants that they needed to go to the other office on the door of the DMV. However, there was no explanation why and the note was only provided in English. Delahanty further drew attention to the Title VI Implementation Plan that is part of Kentucky law. This law required state agencies to submit yearly a summary of their policies. In the Cabinet’s latest report, they defined discrimination: “To make any distinction between one person or group of persons and others either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin (qtd. in Delahanty 3).” Delahanty accused the Cabinet of violating its own policy by implementing House Bill 188 and urged the federal agency to investigate whether it also violated federal civil rights statutes. He also asked them, upon finding such violations, to intervene and require Kentucky to change its law (Delahanty 1-4). This letter to date has not produced any major federal action as it is still in the process of being reviewed. Federal legislators have not deemed Delahanty’s request as a high priority (Meyer 1).

However, in Kentucky, this letter along with a press release about it began to spur thoughts about legal action. Pro-immigrant forces began to look for possible plaintiffs by collecting stories of people directly effected by the law. The Advocacy Committee formulated surveys, which could be used to document the stories as well as specific details and contact information (See Appendix I). Furthermore, they formed a committee to specifically focus on research and discussion regarding future measures against the law. Therefore, calls were made to the American Civil Liberties Union (ACLU) of Kentucky to get them involved in a possible court challenge to the law. Meanwhile, as before, the groups turned to the media to print stories of immigrants struggling with the new policy to create sympathy for their cause (Meyer 1).

In June, a front-page article was published portraying the two sides of the controversy. For the first time, mention of legal action was printed. Delehanty directly cited the seriousness with which he took the discrimination stating that, “Some people have suggested this is a minor violation of civil liberties, I think there are no *minor* violations of civil liberties (qtd. in Loftus 1).” Jeff Vessels, the executive director of the ACLU of KY also expressed his disdain towards the law by calling it “anti-immigrant (qtd. in Loftus 1).” However, Representative Weaver, the author of the bill, stated his disagreement by saying that the law was neither an undue burden nor was it unconstitutional. He simply claimed that the law was only intended to promote safety for everyone. Also, Miller asserted that “Our job is to be sure we license people properly. We’re not private detectives. We’re not trained to review the authenticity of these documents. The people at the Transportation Cabinet have that training and that’s why this new law is necessary (qtd. in Loftus 2).” He also claimed that the office is trying to

be helpful to foreigners by offering the written test in 21 different languages. Margaret Plattner, deputy commissioner of the state Department of Vehicle Registration, also defended the law hailing its importance in keeping illegal people from getting such a crucial official document as a driver's license. She also cited the extreme security concerns and the importance of tighter regulations in such a time of crisis. The article concluded with the voice of an immigrant effected by the law who now felt unwelcome in Louisville, a city he has lived in for ten years, and fearful every time he got behind the wheel (Loftus 1-3).

Opponents responded to the article through editorials in the newspaper expressing their approval of the new law. Several people expressed that House Bill 188 was neither unfair nor anti-immigrant. One author cited the fact that 10% of new licenses granted in Louisville were to foreign peoples, which was disproportionate to the actual population. He was trying to show that immigrants simply come to Kentucky to easily obtain a license and then leave. Also, the author stated that persons here illegally should not have a license, which would allow them to blend in with lawful society. He concluded by denying any burdens caused by the law, stating that immigrants have an entire year to use their home-country license while applying for a new one, which should be sufficient time ("Proof" 1).

More anti-immigrant responses continued to be published. A man from Bardstown, KY wrote an article to express how appalled he was with the position that the Catholic Church and ACLU were taking towards the law. He posed the question: "Why would anyone suggest that non-citizens be given the same rights and privileges of citizens (qtd. in Weddle 1)?" In his opinion, the law could not be discriminatory since

the two categories of citizen and non-citizen were different and meant to be treated disparately. He also defended the right of the Kentucky Department of Transportation to determine whether someone is legally in the state and thus eligible to gain a legal state document. Moreover, he stated that foreigners do not automatically gain all of the privileges possessed by citizens, like driver's licenses. In his opinion, there could be no violation of rights since there were no rights in the first place. He concluded with the statement that immigrants had two options: go through the proper procedures to become citizens or go home (Weddle 1).

David Boyles, a Louisville native, also addressed the issue. He said that he had no sympathy for immigrants who have been inconvenienced because of policy change. He stated that everyone in America, citizen or non-citizen, must change their behavior as a result of September 11th. He also advised immigrants to "Count your blessings. You're living in the greatest country in the world, and we all have sacrifices to make. They are a small price to pay for what we have (qtd. in Boyles 1)."

Similarly J.L. Kapp asserted that "immigrants need to remember that they are guests in this country. It is a privilege for them to be here, not a right (qtd. in Kapp 1)." Kapp directly addressed the inconvenience quoted in Delehanty's letter of some immigrants having to drive 200 miles to get to the correct office. She expressed that if it is such an inconvenience then immigrants should find another country in which to live. Her exact words: "I'm sure it is less trouble to drive 200 miles than it was for them to get to the United States (qtd. in Kapp 1)." She also expressed that all the opponents of the law can leave too (Kapp 1).

Dennis Frankenger blamed “liberalistic attitudes” toward immigration law for the 9/11 terrorist attacks. He stated that no one should be in this country without proper identification papers. He also accused the Courier-Journal of being too liberal and contributing to the success of the terrorists. He questioned whether it would take another terrorist attack for people to take immigration standards seriously (Frankenger 1).

Each article shared in common an emotional response to the driver’s license issue. Regardless of the specific content, each person’s opinion leaked feelings of hate and anger. It seemed that they needed to blame someone for the stress caused by the attacks and immigrants seemed to be an easy target. Breeding these kinds of attitudes could be dangerous for immigrants in the future not only for this specific policy issue but for daily treatment in general.

Pro-immigrant groups realized this danger and decided that change would have to occur quickly and through a legal battle. Thus, the ACLU of Kentucky Legal Panel Ad Hoc Committee on HB 188 was created to research issues relating to constitutional law and the new driver’s license policy. Furthermore, based on its findings the group would make recommendations to the ACLU of Kentucky Legal Panel regarding the viability of any constitutional freedom claims. The group consisted of immigration lawyers, social workers, professors, Pat Delehanty representing the Catholic Church, Jeff Vessels of the KY ACLU and two student interns. The committee of passionate activists derived hope from a quote from United States Supreme Court Justice William J. Brennan in Plyer v. Doe (1982): “Whatever his status under the immigration laws, an alien whose presence in this country is unlawful, has long been recognized as ‘persons’ guaranteed due process of law by the 5th and 14th Amendments (qtd. in ACLU).”

Legal Research

One of the first actions the committee undertook was examining possible discrimination and equal protection arguments based on the implementation of the law. One way they did this was by analyzing a packet used to train the circuit clerks on how to carry out the new law. In the question/answer section of the packet, the question is posed: How will I know if he or she is a non U.S. citizen? The response answered that the clerk will know his or her status because the applicant must provide the answer on the new form. However, the response continued, "If you feel that the answer provided is questionable you may ask for additional documentation." The committee found problems with this ambiguous statement. It seemed to imply that based on the way someone looks or talks (i.e. skin color, accent, etc.) a clerk could decide a person's legal status. To the group, placing this kind of power in the hands of clerks, who rely on stereotypes, instead of INS agents, who rely on knowledge, dangerously allowed for profiling and violations of basic rights. Furthermore, the committee questioned a provision in the packet that required non- US citizens and non-permanent residents to provide their INS identification number, INS status, and INS expiration so they could be placed in the computer database. The committee asserted that having to provide one's INS number, along with other INS documentation, was a violation of privacy rights under immigration law. Moreover, the committee challenged a provision for K-1 status applicants, an applicant who is a non-citizen married to a citizen, which required that they change their immigration status to I-551 before being issued a license. The problem the group found here was giving an ignorant clerk the authority to enforce federal immigration law. They later looked at this issue in more depth (Vessels 1,12).

Proceeding, the committee went beyond practices of implementation and looked at the content of the law. First, they found that the new Kentucky law did not make distinctions between legal immigrants and illegal immigrants. Therefore, the committee needed to decide if they would make challenges on the basis of both groups or just one. By looking first at undocumented immigrants, it seemed that an Equal Protection or fundamental rights challenge would be very difficult. In Plyer v Doe, the Supreme Court established that undocumented immigrants in and of themselves were not a suspect class. In relation to the driver's license issue, the committee believed that based on this ruling a legal challenge would not even be heard since illegal immigrants were not considered a suspect class and therefore could not be discriminated against. Doe v. Georgia Department of Public Safety (2001) further discouraged the committee from issuing a challenge on the basis of illegal immigrants. In this case an U.S. District Court upheld a Georgia law that prohibited illegal immigrant's from attaining a driver's license. This court too stated that illegal immigrants were not a protected class and therefore did not have a fundamental right to travel. Moreover, they explained that people who migrate illegally to the U.S. do so voluntarily and thus enter themselves into a vulnerable class (147 F.Supp.2d 1369). Their main point was that immigrants migrate freely to this country knowing that they may not be able to gain a driver's license.

Lopez v INS (1985) further demonstrated the commitment of courts to keep illegal immigrants from obtaining a driver's license. In this case, the 10th Circuit Court of Appeals defined the driver's license as a useful item in creating a lawful appearance and thus subject to confiscation by the INS. The court stated that, "The record indicates that illegal aliens, in an effort to escape detection by authorities, attempt to acquire any

available indicia of legitimate status. A driver's license is one of the most useful single items of identification for creating an appearance of lawful presence (qtd. in 758 F.2d 1390)." Based on this assertion the court gave authority to the INS to enforce state law by collecting driver's licenses from illegal persons. This action, they said, would not violate the 10th Amendment's provisions for state's rights or the 5th and 14th Amendments provisions for procedural due process. The court emphasized that the driver's license was a possible threat to security if in the hands of illegal people. The committee recognized that this argument could be used to support tighter driver's license requirements for all immigrants. Lastly, the Court made a claim that "aliens, even those within the country, do not have most of the constitutional rights afforded to citizens. They may be deported for considerations of race, politics, activities or associations that the government could not punish them for if they were citizens (qtd. in 758 F.2d 1390)." The committee realized the importance of this statement to illegal people but questioned if it could be applied to legal immigrants, as well, since not all of them have been granted citizenship.

However, the committee was encouraged by cases granting legal immigrants certain rights. One Supreme Court case in particular, Graham v. Richardson (1971), asserted that the term 'person' in the Equal Protection Clause included not only citizens of the U.S. but, also lawfully authorized resident immigrants, who have a right to share in the equal protection of the laws in the state in which they reside. In the terms of the particular case, the Court found that state laws denying welfare to legal immigrants who had not resided in the country for a specific number of years was a violation of the Equal Protection Clause and an "encroachment upon the exclusive federal power over entrance

and residence of aliens (qtd. in 403 U.S. 365, 1971).” The committee found parallels in this denial of welfare funds and Kentucky’s denial of driver’s licenses to legal immigrants. First, the Court asserted that strict scrutiny, the highest level of consideration given to a law, should be applied to cases in which state’s have made broad classifications based on “alienage, like those based on nationality or race (qtd. in 403 U.S. 365, 1971).” This last phrase, the committee reasoned, could similarly be applied to the driver’s license law, which specifically sets different requirements for applicants based on their nationality. Second, The Court called legal residents a ‘discrete and insular’ minority that should be given careful judicial consideration even when a fundamental right is not in question. By this statement, the committee was encouraged that a court may carefully consider a law that discriminates and impedes the right to drive even if it is not a fundamental right. Lastly, the Court affirmed the right of legal immigrants to enter into any state in the country and to share “an equality of legal privileges with all citizens under nondiscriminatory laws (qtd. in 403 U.S. 365 1971).” To the committee, Kentucky’s law prevented legal immigrants from sharing in equal privileges by denying them a license even when they were legally eligible to obtain one. Overall, the committee, saw the driver’s license law as the Court saw the welfare law, as a violation of equal rights.

Forging ahead, the committee decided to look at the actual issue of driving as it related to the rights of legal immigrants. In Miller v. Reed (1999), the 9th Circuit U.S. Court of Appeals asserted that while there is a fundamental right to travel, there is no fundamental right to drive. The Court, in its opinion, invalidated the plaintiff’s argument that he had a right to obtain a driver’s license as part of his fundamental right to drive a

car. They said that the only fundamental right was that of travel which could be undertaken by ways other than driving a car, even though they may not be as convenient. Therefore ruling in favor of the DMV, the Court held that there was no unconstitutionality in denying a driver's license (176 F. 3d 1202). The committee feared that this precedent could provide a road bump impeding their argument that legal immigrants have a right to obtain a license in order to drive.

On the other hand, the committee found a more promising precedent in the case of Aliessa v. Novello (2001). Here, the New York Court of Appeals concluded that the exclusion of legal immigrants from state funded Medicaid programs was unconstitutional because it was inconsistent with both the U.S. and New York Constitutions. Highlighted was the fact that states could not deny benefits based on legal status. In their opinion they stated, "State regulation not congressionally sanctioned that discriminates against aliens lawfully admitted to the country is impermissible if it imposes additional burdens not contemplated by Congress (754 N.E.2d 1085)." The committee was encouraged by this ruling because they thought that the Kentucky law was creating such burdens that were not previously discussed by Congress. One example of a burden, could be that of refugees who are legal immigrants but were never issued a SSN and thus could not obtain a driver's license (Hunt 2002e 1-6).

Continuing their research, the Mexican American Legal Defense and Education Fund (MALDEF) suggested that the committee look at the case of Espinoza v. Farah Manufacturing Co., Inc. (1973) in order to develop its arguments. In this case, the defendant refused to hire the petitioner's wife based on her lack of citizenship. The U.S. Supreme Court upheld the judgement of the U.S. Court of Appeals stating that the act

was not considered discrimination on the basis of national origin under Title VII of the Civil Rights Act of 1964. However, the court ruled this way due to a lack of evidence showing that the woman was not hired particularly because she was of Mexican origin. In other words, if the petitioner had shown that the owner had not hired the woman just because she was Mexican and not just a non-citizen, then the act would have been discriminatory. The Court then said that “Certainly Title VII prohibits discrimination on the basis of national origin. The Act proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation (qtd. in 414 U.S. at 92).” Though this case does not provide precedent it does provide an argument of national origin discrimination. If the committee could show that the driver’s license law, in form or practice had the effect or potential to discriminate against people of particular national origins then they could have a strong case (Woolridge 1-2). For example, the committee could demonstrate that people of Middle-Eastern descent, for example, were being treated differently based on their race and not on their non-citizen status.

Another angle, which the committee researched dealt with the issue of uniformity. In Graham v Richardson, the Court emphasized the importance of uniformity in law and court decisions regarding the treatment of an ‘alien subclass.’ To uphold this standard, the Court described that the federal government could not allow state governments to individually create their own citizenship requirements, which would allow different classes of people to disproportionately be effected by the law. This kind of inconsistency would violate the Equal Protection Clause. The committee agreed that Kentucky’s driver’s license law effected people differently because it placed different requirements on distinct classes of people.

Moreover, Mathews v Diaz (1976) specified that the federal government had the right to make distinctions between different classes of citizens and non-citizens that the state governments did not (426 U.S. 67, 96 S. Ct. 1883). Based on this standard, the federal government could decide that the various driver's license laws in the states were inconsistent and need to be made uniform, to do so they could pass a federal law that would nullify all state law. If Congress passed such a uniform national law dictating one process for obtaining a driver's license then their argument would have to be reconsidered (Hunt 2002e 1-6).

Overall, most of the above cases have presented obstacles to the committee's challenge. Basically, legal immigrants have many rights in the U.S. that must be upheld, while illegal immigrants have almost no rights. Thus a driver's license challenge would probably be more successful if it was based on violations of the rights of legal immigrants. Moreover, there is a fundamental right to travel but not necessarily a fundamental right to drive or have a driver's license, which applies to U.S. citizens as well as legal residents. This fact could present a great challenge to the claim that a driver's license is a necessary right of working immigrants. Another obstacle lies in the fact that the Lopez case placed extreme importance on the value of the driver's license as a means to establish an identity. Supporters of stricter driver's license provisions could use this case to support their argument.

On the other hand, there were a few cases, which shed light on the committee's position. First, at least one of the cases strongly supported equal protection claims for foreign citizens. The committee, having plenty of documented stories of discrimination, could show that people were treated differently when applying for a driver's license.

Second, the Espinoza case clearly demonstrates that discrimination based on national origin is unconstitutional, if there is enough evidence to prove it. Again, the committee could provide plenty examples of discrimination and disparate treatment. Third, the cases dealing with uniformity show the federal governments disdain for states that take immigration in their own hands. Kentucky has obviously taken it upon themselves to make distinctions between classes of people and create immigration law. If the federal government is truly committed to the uniformity, discussed above, then they could challenge Kentucky's law by passing a national bill. This kind of action may not be favorable to the committee. Overall, the cases posed some obstacles to the committee's legal challenge but provided just enough encouragement to keep them forging ahead. Their next move went beyond research and onto a more hands on approach.

Voices of the people

Knowing they needed more than just research, the committee went out into the community in an attempt to find possible plaintiffs. Though the law had only just recently come into effect, they encountered many people who were already impacted by it. The best way to find people to ask them questions from the committee's survey was to go to the DMV and Transportation Cabinet offices. At the crowded DMV, one was able to blend in and discretely talk to people without the clerks knowing what was going on. However, at the Transportation Cabinet office, one could not actually go in because of its small size and its appointment only policy. Therefore at the latter, one had to remain outside either in the heat or in their car waiting for people to come out. Due to these conditions, many people were hard to engage. Some were hot and annoyed by the new policies thus they wanted only to leave and not talk to anyone. Other people were

suspicious of anyone asking them questions about their immigration status. However, there were a few people who were willing to talk.

One such Korean man was encountered in the DMV office while he waited to obtain his new license. It was learned that he was in the U. S. for one year working as a surgeon to study new techniques. Accompanied by his family, he first arrived in Pennsylvania where he was able to get a driver's license. They soon moved to Kentucky, seeking a better learning opportunity, and found the process of getting a new driver's license much more challenging. The man was very confused and frustrated with the long process he had gone through. He had already had a hearing, waited for his documents in the mail, and then had to take two tests at the DMV. He felt like he was being taken advantage of by continuously being fined and questioned about his legitimate documents. He found himself both paying money to Pennsylvania and to Kentucky with little communication between the two. In his quiet speech, he explained the fear he had because he was a minority in this country and the anxiety he had over not being able to drive himself to work, his kids to school or his family in an emergency (Korean 1). This man's situation was not unique. Records show that 16% of the doctors in Kentucky were recent immigrants who fell within the category of the new law (Segal 2002c 1).

Another woman, Miranda So, found herself in a difficult predicament. Miranda's driver's license expired on April 16, 2002 but she was unable to get an appointment with the Division of Driver's License Field Office until April 25, 2002. Not only would she not be able to legally driver herself to the appointment but, she would be left without a license for the month it would take for her documentation to be reviewed. Her only choice was to drive to her job as a computer programmer with an expired license. Her

worry was that she may be pulled over and her eligibility to become a US citizen in July of 2002 would be revoked (So 1). Unfortunately there were no words to ease her frustration and confusion.

Karina Barillas, President of the international students at the University of Louisville, had her own story to share. She went through the long process of waiting to get an appointment at the Field Office and then waiting a month for her paperwork. She called the DMV to make an appointment for her manual drivers test. After mentioning that she was an international student she was told that she had to call the Field Office. When she called the other office, they told her that she would have to go through the whole process again. Fortunately for her, she had the International Center advisor call and straighten things out so that she could get the driver's test appointment (Barillas 1). However, if she had not had such connections she may have never gotten an appointment and would have found herself in a crisis. This story helped the committee to prove their assertion regarding the inefficiency and inconsistency of the Kentucky Transportation Cabinet that resulted in hardship.

Miguel Lagunas, a legal immigrant who had been in Kentucky for 40 years, felt the sting of the new law, which not only made his life more difficult but personally offended him. Miguel described that in May 2002 he went to the DMV, as he always had, to renew his license. He was quickly turned away and made to feel "out of place" as he was referred to the Field Office (qtd. in Lagunas 1). There he was made to feel unwelcome as they questioned his status and the spelling of his name, which was not exactly the same on his green card as it was on his Social Security card. Therefore, he was told at the Social Security Office that it would take several weeks to get it changed

before they could do anything. More than being frustrated from the hoops he had to jump through, Miguel felt that he was being viewed as inferior even though he had contributed to the Louisville community for so long (Lagunas 1).

Rhonda Lee, a Kentucky resident originally from Canada, expressed her disdain as an immigrant. Her frustration came from the fact that for so long she had paid taxes in Kentucky and now she was being treated as a criminal. She explained that she was not yet a citizen because she was not allowed to apply for U.S. citizenship at that time and not because she was lazy and did not want to fill out the paperwork. So much anti-immigrant sentiment, she said, comes from ignorant people who simply tell immigrants to just get legal. She also expressed that “Immigration is not a way for outsiders to milk the United States; we immigrants know that we must earn our way, and we rarely complain (qtd. in Lee 1).” However, this issue for her was worth complaining about (Lee1).

Along with seeking plaintiffs, another very important part of what they are doing is looking to Minnesota, the first state to actually file a legal suit against its driver’s license policy. The arguments and actions taken by Minnesota have provided an example and a path for Kentucky in pursuing their own legal challenge.

Kentucky’s reliance on Minnesota’s precedent

When Kentucky contemplated moving their battle into a legal arena, they had few examples to follow. Jeff Vessels, the chairman of the Ad Hoc committee, sought out the Minnesota ACLU for guidance since they had just initiated their own legal challenge. The group working there gladly sent him their briefs and some of their research that they

thought would be relevant to Kentucky. The following analyses of Minnesota's case provides background and precedent that the Kentucky team has tried to emulate.

On June 3, 2002 the ACLU of Minnesota sent a letter to the Minnesota Department of Public Safety Driver and Vehicle Services Division. The letter detailed the new emergency rule adopted by the Commissioner of Public Safety, Charlie Weaver, in his attempt, after the legislative campaign failed, to tighten the driver's license requirements. The rule, which was never discussed in any public hearing, was originally denied by a judge who said Weaver was not acting under an immediate threat. However, his ruling was later reversed, allowing the policy to go into effect on July, 8th. The policy required proof of permanent U.S. residency, lawful short-term admission to the U.S. or U.S. citizenship when applying for a license. Unlike the law in Kentucky, where the expiration of the license correlated with the expiration of a person's time in the U.S., the visa expiration date was only printed on the front of the license, having nothing to do with its expiration. The Minnesota ACLU expressed their disdain for the law both in its adoption and its content (Samuelson 1-5). They expressed their fear of the impacts of the law not only on immigrants but the business community of Minnesota. They stated, "The new rule fundamentally changes the purpose of a driver's license...into an internal passport (qtd. in Samuelson 1)."

Receiving little response to their letter, the Union supported by other groups including Jewish Community Action, the American Arab Anti-Discrimination Committee and individual citizens and non-citizens filed a petition before the Minnesota Court of Appeals on July 22, 2002. The first issue raised by the petition, was the adoption of the rule by Commissioner Weaver who said there was a "serious and immediate threat to

public health, safety and welfare in Minnesota (qtd.in Nelson 2).” They not only questioned whether his concerns were immediate since they were written nine months after the attacks, but they questioned the absence of public hearings and community input (Nelson 1-2).

Second, they address what they thought was an Equal Protection violation of the 14th Amendment of the U.S. Constitution and their own state Constitution. The violation hinged on the establishment of an inappropriate classification based on one’s immigration status as a non-citizen. They recognized the federal government’s ability to make such a distinction but they asserted that the state could not partake in such an action unless there was a compelling government interest. They believed that there was no such interest, and even if there were they would not have authority over it (Nelson 2-3).

Third, they addressed the issue as to whether the rule violated the Supremacy Clause under Article 6, Clause 2 of the U.S. Constitution or whether they were preempted by federal law. To this, they thought that state driver’s license restrictions interfered with federal law. They demonstrated that if a police person stopped a non-citizen he or she would be able to view their immigration status but would not have the authority to take any action against them. Furthermore, they believed that the complexity of immigration law was not something that police officers could easily understand. For example, a person whose visa has expired is not necessarily in the country illegally if they have a pending application to change their status or extend their visa. Police probably would not know that specific rule or have access to resources in order to determine whether the person’s application was pending. They further asserted that immigrants should not have to carry their documents around with them every where they go (Nelson 3-4).

In response to the suit, both sides made public statements through press releases. Commissioner Weaver, angered by the legal action, said that, “similar rules have gone into effect without legal challenge in other states and that they have the support of the Bush administration (qtd.in Defiebre 1).” In hearing of this, Kentucky’s committee knew this statement was false as they knew more and more states, like themselves, were initiating similar legal suits. The opponents of Weaver’s new policies replied that they “send us down a very slippery slope by profiling a class of innocent, legal immigrants as security risks. We simply cannot allow our civil society, our civil rights and our very democracy to be sacrificed on the altar of fear (qtd.in Defiebre 1).”

In August, the new policy was in effect signaling to opponents the first step down the feared slippery slope. Javier Cedillo, a naturalized U.S. citizen who had moved from Texas to Minneapolis was its first prey. Seeking a Minnesota driver’s license so that he could cash the checks from his new job, he went to the local DMV. While taking the written test, Cedillo’s passport was determined to be fake and it was confiscated. Cedillo left without his valid passport and contacted the Immigrant Law Center of Minnesota. For a week until the passport was returned, Cedillo was without this extremely important document. Now, he is preparing to file a discrimination suit against the Minnesota Department of Human Rights. The Kentucky group realized that they too knew people who had faced similar situations of inequality and should document their stories (Leslie 1).

In response to Cedillo’s claims, Brian Lamb, the director of Driver and Vehicle services, stated that his agents were properly trained to detect fraud and had the authority to confiscate passports seeming invalid. Cedillo refuted this statement saying he had

plenty of proof, a Social Security card, voter registration card and Texas license, that the clerks did not even bother to crosscheck with his passport. Cedillo described that in front of everyone present, “They were laughing and picking at my passport, and I kept asking them not to do that because they were going to damage it. It was humiliating (qtd. in Leslie 2).” With his passport partly damaged and no money for a new one, Cedillo feared that it could be questioned when he looks for work or goes back to his home country of Mexico. He is also questioning moving the rest of his family back to Minnesota, where they had lived for six years. Colleen Beebe, the director of the Immigrant Law Center said of the situation, “I don’t think this is an isolated incident...and here we have laws and policies supposedly set in place to protect people. Well that backfired, and...actually were used to discriminate against a U.S. citizen (qtd. in Leslie 2).” Minnesota continues to forge a legal path for other states like Kentucky to follow.

Kentucky’s campaign against the driver’s license started slow but is gaining momentum. After the original law went into effect before 9/11, Kentucky did not even have a group assembled to combat it. By the time 9/11 occurred a coalition was formed and ready to take on the issue. Despite their hard work to stop further restrictions for immigrants, a law was passed that was widely supported in the community. The group did not give up but rather explored case law, sought plaintiffs and looked to Minnesota as a guide.

Currently, the committee continues its research to identify key issues. Specifically, they are trying to get information and public records from the Department of Transportation and State Police, which they have found has been difficult. They were given access to some of the open records but not all of them. They have also filed an

open records request with Toni Miller's office in an attempt to receive the missing documents. They are finding that research is going slow and that they will really have to be creative to get a court challenge. They are not at the point of suing but they are hopeful that it is in their future. They are also preparing themselves for the next legislative session and a new bill that has been pre-filed by Representative Jack Coleman. The bill entitled, North American Driver's License Act, seeks to loosen driver's license requirements for immigrants from NAFTA countries, specifically Canada and Mexico. The committee is set to meet with Representative Coleman and discuss this bill on November 20, 2002. They are very busy working on their court challenge, preparing to fight old legislation and pushing new laws through (Segal 2002c 1).

Unique state happenings

Along with Tennessee and Kentucky many states are dealing with similar driver's license controversies. In fact 35 states began to examine their own relevant laws soon after the September 11th attacks. Since that time, some interesting and diverse situations have come up that make these states worth noting (Univision Almanzar 7-24).

In Indiana on September 30th, 2002, the Bureau of Motor Vehicles backed down from its restrictive driver's license policy. Like many states after September 11th, the Indiana BMV took it upon itself to change licensing policies instead of going through the legislative process. They had originally made new policies so restrictive that non-citizens had to present six documents proving their legal status in the U.S. and residency in Indiana (Solida 1).

Like most states, a pro-immigrant opposition surfaced. Indiana became the second state, which had a federal civil rights lawsuit and a state lawsuit were filed against

it by the state's ACLU branch. However what is unique about Indiana, is that the activist's pressure was so powerful that two months after the policy had gone into effect the rules were eased. They now only require four forms of identification, which could include a more inclusive list of documents like a credit card bill or bank statement, and these things documents need only be shown when a person had a change of address. The policy also expanded the list of immigration documents that could be presented to try and accommodate the more than 30 types of immigration statuses. This kind of response has not been seen in any other state and provided an example of how influential grassroots organizing could promote change. This change further demonstrated that at least one state recognized the consequences its strict rules created for their vital immigrant population. Furthermore, activists saw this loosening of policy as a positive step towards eliminating the discriminatory law all together. The ACLU is moving ahead with its class action lawsuit and hoping for a favorable settlement that would change the law to allow ITINs or any type of INS application to be accepted (Solida 1-3). Whether other states will follow is left to be seen.

Another unique situation existed in Georgia. While most states legislatures have been working toward tightening their driver's license policies, some Georgia legislators have pushed for more inclusive laws. The people they thought were important to include were the 700,000 legal and illegal Latinos living in Georgia. Since 1990, there has been a 300 percent increase in the Latino population that has not ceased. Thus a proposal has been introduced that would allow undocumented Mexican and Canadian citizens to obtain a valid Georgia driver's license. The hope is that immigrants would also be

encouraged to apply for auto insurance thus making roads much safer. There was also another very important reason for the legislation: money (Stirgus 1).

Supporters of the bill claimed that immigrant's economic contribution to society could not be ignored. They stated that legal and illegal immigrants work, produce, pay taxes and consume things like real estate, cars and other items. Also, legal immigrants start businesses, which actually employ Americans, while illegal immigrants often do the jobs that Americans will not do. According to the Bureau of Labor Statistics, since 1960 foreign-born workers have increased from one in 17 to one in eight today. Proponents of the bill, asserted that without immigrant labor the U.S. would be left with vacant jobs which would hurt the already sluggish economy. Moreover, they showed that illegal immigrants paying Social Security taxes alone contributed \$4.9 billion yearly to a fund from which they could not benefit. Also, they mentioned that as low-paying, low-skill jobs continued to be made available, immigrants would be the only people to fill them (Stirgus 1).

Representative Barbara Mobley's proposal came just one week after DeKalb County commissioners made an agreement with the Mexican government to accept their form of identification called la matricula consular to make it easier for Mexican citizens to open U.S. bank accounts, etc. Representative Mobley hoped that the bill would be more successful than a similar one that earlier in the year did not move past a House committee. The bill will not be voted on until next year's legislative session but in the meanwhile public hearings and debates have continued.

The timing and content of this bill is very interesting. Most states that had any hope of helping their contributing immigrant communities launched similar campaigns

before 9/11, which then seemed difficult. On the other hand, it is peculiar that Georgia has chosen to launch their campaign after 9/11 in one of the most challenging political environments. Furthermore, the fact that the proposal only included Mexican and Canadian citizens raises new questions (Stirgus 1-2). One issue is whether the proposal will be accused of violating the 14th Amendment because of its narrow classifications. Also, the bill could be proclaimed discriminatory towards non-Mexican and non-Canadian immigrants. Furthermore, this narrow proposal may reflect the country's overall anti-Middle Eastern sentiment. These among other questions will be dealt with in due time.

California is another state that has stood out for its take on the driver's license controversy. The fact that the state houses the largest immigrant population in the U.S. contributed to a campaign that was probably the most heated and passionate in the country. A bill sponsored by Gil Cedillo calling for approximately one million of the three million undocumented immigrants in the state to be allowed to obtain a driver's license was in the works for two years. The bill would allow immigrants to apply for a license if they had started the naturalization process, received a receipt from the INS, and sought an ITIN from the IRS. Also, a background check would be conducted as part of the INS's naturalization procedures. The bill's author also managed to fight off an amendment that would have made the license contain a phrase about the person's illegality. The bill first went through the assembly last year but was pulled off the Governor's desk after the 9/11 tragedy. The bill then went through the legislature again for another year of new debates focussing on security concerns (Canto 1).

Advocates of the bill hoped that California would take a stand and lead the way for the rest of the country to follow. They thought that the bill if turned into law would show that “immigrants are not terrorists (qtd. in Canto 2).” They also urged this bill to join other recent progressive laws that allowed some illegal immigrants to attend college paying in-state tuition and millions of children to enroll in public schools. After much debate, the legislature sent a final version of the bill to Governor Gray Davis whose signature would turn the bill into law. However, he did not agree with every measure of the bill, thus he insisted that changes be made before he signed it. Cedillo agreed that he would compromise and make changes. Regarding the compromise, Davis said that he was “optimistic I will be able to sign the bill (qtd. in Bustillo 1).”

In the end however, the Governor found himself torn by so much political pressure. Along with domestic pressure the Mexican President Vicente Fox urged Davis to sign the bill. The Governor’s office reported the phone call and stated, “Given the importance of a driver’s license for thousands of Mexicans in California, President Fox and Governor Davis agreed to work together to find a way for the measure to be implemented as soon as possible (qtd. in “Fox” 1).” However, the Governor continued to delay signing the bill insisting that additional amendments for security needed to be added. This delay was propelled by sources that were against the bill. One such Assemblyman, Dennis Mountjoy, said that the policy was dangerous since it would give licenses to immigrants from countries that sponsored terrorism. He said it “endangers all Americans, including those of us who work in or visit the state Capitol, where all you have to do to get into the Capitol is to show a driver’s license (qtd. in “Fox” 1).” The same legislator also warned that with an extra one million licenses issued to immigrants

there would be a change in the electorate. He was speaking of the 1993 National Voter Registration Act that required states to allow anyone who had obtained a license the ability to become a registered voter (“Fox” 1).

As a result, Davis refused to sign the bill until more security measures like work requirements were added. In turn, MALDEF accused Davis of using security as an excuse to kill the bill in its entirety so that it did not effect the upcoming gubernatorial elections. Meanwhile, Cedillo made changes to the bill that he thought would suit the Governor. Other passionate supporters of the bill showed the country their unique dedication. Many participated in letter writing campaigns, days-long vigils, and demonstrations in Los Angeles and Sacramento. A group of individuals even participated in several hunger strikes in attempt to persuade Davis to sign the bill.

Many were shocked on September 30th when Governor Davis vetoed the bill. His reasoning rested on the events of 9/11 and the role driver’s licenses can play in terrorist attacks. Cedillo characterized the veto as “another example of failed leadership and of putting politics ahead of public safety (qtd. in “Fox”).” He cited the promise that Davis had made him that something would be done for the Latino population. In breaking his promise, Cedillo accused him of responding only to powerful interests. Some of these interests may have come from other state legislators, such as Representative Weaver in Kentucky, who threatened that if Davis signed the bill Weaver would draft legislation prohibiting their state from accepting a California license. Furthermore, the fact that California has the largest Middle Eastern immigrant population of 400,000 may have also been a determining factor (Vogel 1).

Now, some immigrants have stated they will not vote for Davis in the November 5th election. The Democratic Coalition of Latino State Legislators also refused to endorse him. Despite the loss of some support, Davis did get re-elected. Observers question whether another bill come up again. Gil Cedillo, the bills author, has vowed that he will try again in the next legislative session beginning in December, 2002 to pass a driver's license bill. He stated that it has been passed twice before in the legislature, and it can be passed again. The challenge lies in the signature of the Governor (Vogel 1).

In the meantime, the Press Democrat conducted a poll in September 2002 to see how voters felt about the issue. In a phone survey reaching 400 registered voters in Sonoma County, conductors provided both sides of the driver's license controversy and then asked people what side they agreed with. The results concluded that 52% of the people supported allowing illegal immigrants, seeking to become legal, the right to obtain a driver's license. Furthermore, 37% of the other respondents disagreed with the measure and 11% were not sure what they thought. Polls like this one and others being conducted around the country may help the case against strict driver's license procedures (Coit 1-2). This example demonstrated that even a state as liberal and ethnically diverse as California could be manipulated by tremendous political pressure. California's situation also portrayed the drive and passion of the immigrant forces regarding this issue.

Forces on the other side have expressed their particularly strong anti-immigrant feelings in the more conservative town of Denver, Colorado. A multitude of editorials were published in the Rocky Mountain Newspaper in response to a July 2nd article written by Maria Salinas entitled "Illegal or not, immigrants need driver's license." In a response

called, “Obeying laws isn’t asking too much,” one woman called Salinas a racist for making distinctions between Mexican immigrants and others. She accused the author of thinking that all immigrants were from Mexico and neglecting the threat of Middle Eastern immigrants illegally in the country. She asserted that all migrants to the U.S. should have to follow uniform standards and should not be given special treatment just because they do work that Americans generally will not do. She urged Salinas and others like her to follow procedures to simply become legal citizens. She concluded by stating that if legal immigrants were the only ones employed and illegal immigrants were deported then the system could far better maintain their needs (Mooney 1).

A far more stinging article entitled, “Why not just facilitate all illegal activity” used sarcasm to get its point across. “People robbing a bank are inconvenienced by the fact the money is secured and they endanger others when waving their guns around. Ergo, banks should neatly stack bundles of money on tables at curbside (qtd. in Ditchkus 1).” This situation among several others posed was meant to prove the point that just because something is inconvenient and may injure other people, like unlicensed drivers, it should not be made legal. The author then goes on to compare illegal immigrants to “criminals and lawbreakers” and suggested that the U.S. should not go to any extra means to make any of these people’s lives easier (Ditchkus 1).

Another passionate article entitled, “Purging the Evil from Among Us,” focused on the deportation of all illegal immigrants starting with those from countries that “breed the anti-American ideology and religion that threaten us (qtd. in Thomas 1).” The author expressed his fear of the 115,000 Middle Eastern immigrants residing in the U.S. illegally, 60,000 of which are from Afghanistan. He generalized that while Mexicans are

not involved in terrorism, all illegal immigrants pose a “clear and present danger (qtd. in Thomas 1).” He cheered the 6,000 Middle Eastern men who had already been deported but called for more action. Furthermore, he asserted that human rights groups and others should not be preoccupied with petty civil rights violations but instead should be committed to preventing terrorism. He concluded by saying, “We can’t protect ourselves from terrorism without dealing with illegal immigrants (qtd. in Thomas 1).” This kind of language and attitude spreads false notions about immigrants and the driver’s license issue (Thomas 1).

Among the statewide controversy, Indiana, Georgia, California and Denver have faced unique situations. In Indiana the strict policies adopted post 9/11 were actually eased after heavy political pressure, whereas in California a bill to allow undocumented people a driver’s license was vetoed after much political pressure from the other side. Georgia has dealt with a new proposal to actually loosen existing driver’s license policy in a period in history, which is very anti-immigrant. On the other hand, Denver has demonstrated a very strong force against immigrants. Overall, these state examples demonstrated that the driver’s license issue is very prevalent and very diverse in states all over the country beyond Kentucky and Tennessee.

Law effects people

So, how have people been impacted by laws already passed in states around the country? There are generally two negative situations that have been occurring. Some of the immigrants who are legally eligible to obtain a driver’s license have been subject to embarrassing scenes at local DMV offices where documents have been confiscated and arrests have been made. On the other hand, some of the immigrants who are not legally

able or eligible to obtain a driver's license have continued to go about their lives taking the risk of driving without a license and facing the obstacles presented without the crucial card.

In an article entitled, "Treated like a criminal and no one's sorry" the story of Candido Vaquez's attempt to obtain a New Jersey driver's license is detailed. In August, Candido, a legal immigrant from Mexico awaiting his permanent residence went to the DMV with his wife, a permanent resident, two year old daughter and two month old son, both U.S. citizens, to apply for a license. Before going to the DMV, he took the appropriate pre-steps of going through other offices, taking off work and having his wife drive him. After six hours of waiting at the DMV, while trying to quiet his crying children, Candido was called into an office and accused of submitting forged documents. When he denied the accusation, a police officer threatened him with arrest. Candido then called his immigration lawyer, Tesoroni, who gladly faxed to the office a variety of back-up documents to show that Candido's papers were valid. On the phone with the unbelieving policeman, Tesoroni assured him that he would not risk his law license by sending fake papers to help a client. To that the policeman replied in disbelief, "go ahead and sue me" and then placed Candido in handcuffs and pushed him through the lobby like a criminal (qtd. in Braun 1). Candido described the incident: "I was so embarrassed, I cried, men do cry. I didn't do anything wrong. Why did they treat me like this? In front of my children. In front of strangers (qtd. in Braun 2)."

Officials from the DMV passed the buck saying that the INS was at fault for the mix-up. Apparently, the clerk called the INS to ask about work authorization cards and was told they were only good for one year. Since Candido's card was good for two years

the clerk declared it false. However, it was later revealed that work authorization cards could also be good for two years and Candido's was perfectly valid. After being fingerprinted, photographed and released from jail on a \$1,000 bond, Candido still had to go to court and face the possibility of six months of jail time. The burdensome trial was part of the irrational process of getting his documents back. To the disgust of many, the DMV did not apologize to Candido but rather stated their regret of the incident (Braun 1-2). They attributed the action as just a part of the "heightened concern for security (qtd. in Braun 2)." Unfortunately, Candido's story is not unique.

Refugees, as well, are encountering problems with their documents being wrongly confiscated. Isak Junuzovic, an 18 year old Bosnian refugee in Jacksonville, Florida, went to the DMV accompanied by his parents and sister to receive an updated license. DMV officials requested documents from Isak that he as a refugee had never been issued. When refugees come to the U.S. and the INS grants them an indefinite stay, they are only required to have an arrival/departure card, which has no expiration date. There are however dates on the card which stand only for renewal not expulsion from the country. Local DMV offices, however, are not aware of these procedures nor should they be. In Isak's case, not only were his papers confiscated but the papers of each of his family members were taken as well. Fortunately, the family's documents were returned at a latter date (Saunders 1-2). Requiring additional documentation that refugees do not have and putting them through even more hardship is said to be "completely unreasonable, if you are fleeing your country, you don't have time to get a passport (qtd. in Saunders 1)."

Stories like that of Candido and Isak, demonstrated the violations of civil liberties are occurring as unintended consequences of the restrictive laws. They showed that state driver's licensing agencies do not have the expertise to deal with immigration documents, which are complex and ever changing. When agents discriminated in their ignorance they cause real pain and embarrassment to people who were simply trying to abide by the law.

For those immigrants who are legally in the country but cannot obtain a driver's license, life is much harder. One example is Lidio Arellano, a migrant worker in Virginia, who repeatedly tried to get a driver's license but was told that he did not have enough documentation to prove his identity. Arellano, though unable to speak English, had a passport, visa and U.S. tax filing from last year. Without a license Arellano had trouble cashing his paycheck and thus spent countless dollars at cash-check facilities that would accommodate him. More seriously, he had trouble getting medical attention at a health clinic after he suffered a heat stroke at his job. Being legally in the country but ineligible for a driver's license almost cost this man his life ("Immigrants" 2).

There have been additional dangers associated with unlicensed drivers. Three Mexican immigrants, whose driver was unlicensed, died in a car wreck on their way to work in Memphis. The woman driving ran a stop sign, perhaps not knowing what that meant, and crashed into a sports utility vehicle. The women were reported to have come to the U.S. to make more money so that their children could get a good education. For some reason the female driver did not have a driver's license, perhaps because she did not provide enough documentation or maybe she feared obtaining a card that would display her immigration status. Regardless, she decided that even if she did not have a driver's

license she had to drive to work (Garlington 1-2). Her decision cost three lives; this same decision is made by others every day. How many more lives will be lost?

Stories of hardship and tragedy like those told above are becoming more and more prevalent across the country. As these experiences are shared and discussed perhaps a better awareness of the dangers of narrow driver's license laws can be spread. Furthermore, some of these stories have reached federal legislators and have been met with different responses. In the next section, there will be an analysis of national happening in relation to the driver's license controversy and a discussion as to how these actions could effect those taken by states like Tennessee and Kentucky.

Federal involvement

Background

The federal government is able to make immigration policy based on provisions found in the U.S. Constitution. However, regarding immigration, the Constitution addressed the issue explicitly in only one place: Article I, section 8, clause 4, which called Congress "to establish uniform Rule of Naturalization (qtd. in Waslin 2002a 3)." Congress also derived power over this issue from the "plenary power doctrine," which is rooted in the Commerce Clause, the War Clause and in the federal power to handle external affairs, found outside the Constitution (Waslin 2002a 3). This doctrine gave the federal government the "authority over the entry, stay, exclusion, and naturalization of immigrant aliens" and was upheld in the Chinese Exclusion Case of 1889 (qtd. in Waslin 2002a 3). In this case, the Supreme Court held that the U.S. government's practice of excluding Chinese workers, for reasons of race, from the country was justified due to a concern over national security. The Supreme Court also said on the topic of immigration

that “over no conceivable subject is the legislative power of Congress more complete (qtd. in Waslin 2002a 4).”

The federal government followed another principle, which was not explicitly stated in the Constitution, but was derived from legal interpretation. This was the “personhood principle,” which held that legal immigrant residents share the same Constitutional protections as citizens, especially those found in the 14th Amendment (Waslin’s paper 4). This principle focused on the idea of equality of people in general not just those of a particular citizenship status. The last principle guiding the federal government is their exclusive authority over the issue of immigration that was not shared with states, which was discussed in a previous section (Waslin’s paper 4).

Current bills

So how is the federal government asserting it’s authority over immigration issues such as that of the driver’s license? Currently there are many legislators who are trying to convince Congress that the federal government should step in and establish a uniform standard. Most of these legislators have been responding to post September 11th fear, defensiveness and irrationality by creating several proposals aimed at limiting accessibility to drivers licenses in an attempt to secure the nation.

One of the first national bills proposed was House Resolution 4043, also known as the “Flake bill” named after it’s sponsor Representative Jeff Flake, a Republican from Arizona. This bill required that all states impose strict rules for non-U.S. citizens applying for a driver’s license. The bill, more specifically, classified people who had “nonimmigrant” visas as those persons who were in the U.S. on a nonpermanent visit such as those with a student visa, tourist visa or temporary work visa (qtd. in Waslin

2002a 2). The bill specified that these people, whom they called nonimmigrants, could obtain a driver's license but the expiration of the license would be linked to the expiration of that person's stay in the country. Furthermore, states would be allowed to issue a license for up to five years time if the visa had been modified or updated. Also, states would be forced to follow this measure under the threat that noncompliance would leave their state driver's license unrecognized by federal agencies. For example, the Social Security Administration (SSA) would not recognize any license issued by a defiant state and thus not issue that state's resident his or her Social Security check (Waslin 2002a 4).

The Flake bill passed the House Immigration and Claims Subcommittee on May 2, 2002 and seemed to be gaining momentum. However, with the plethora of national security legislation on the plates of congress-people since 9/11, this particular bill was pushed to the back burner. The bill has been sitting, without action taken upon it, in the full Judiciary Committee ever since. Meanwhile, pro-immigrant groups have taken a stand against the bill and continue to argue against its merit (Waslin 2002b 1-3).

The main opponent of the federal driver's license bill was the National Council of La Raza (NCLR). This powerful Hispanic civil rights organization, which has the largest national constituency, posed concerns not only for Latinos all across the country but for all immigrants. The group asserted the importance of driver's license's integrity as a means of identification and travel. The group, however, strongly opposed the driver's license as a means to record a person's immigration status.

Therefore, the group issued a formal argument against the bill to Representative Flake himself, the House Judiciary Committee, and to groups across the county via email. In the letter, the organization expressed its support for increased national security, but

asserted their belief that the driver's license proposal was not consistent with such a goal. They further stated that ineffective driver's license proposals were based on inaccurate information that created unintended consequences like singling people out for discrimination (Waslin 2002b 1).

First, they criticized the way the bill forced states to comply with the federal law without giving them proper funding to do so. They stated that the costs of training state DMV personnel to identify and verify the many different types of immigration status would be tremendous. Further losses, they predicted, would come from the resources spent on re-programming computer licensing systems to create the new card. Overall, they claimed that under the current economy, state budgets could not afford the total expense of the system. Another concern was the lack of understanding that local clerks would have for the "Byzantine nature of immigration law," which could lead to many violations of rights and court proceedings (qtd. in Yzaguirre 1). Specifically, not all nonimmigrant visas have the same clearly defined expiration and documentation processes. For example, on certain visas of diplomats there are phrases such as "duration of status" which are supplied for the time of expiration. The exact meaning of the short statement could be ambiguous and thus confusing to a local clerk. If the clerk denied a diplomat such a license there could be severe legal consequences.

The NCLR also claimed that the Flake bill would deny licenses to legal immigrants as well as illegal immigrants. They stated that many people authorized to be in the U.S. do not have sufficient paper work that would allow them to rightfully obtain a driver's license. Women who have suffered extreme abuse and thus have been granted visas under the Violence Against Women Act were one such example. Another example

were people who had been approved to be in the country but were waiting for their documents to be processed by the often slow INS. These examples supported the NCLR's claim that understanding complicated and ever changing immigration law was not a task for local clerks (Yzaguirre 1-3).

Building on their argument, the NCLR discussed the concept of information sharing. They claimed that sharing information between branches of the INS, SSA and DMV could cause incorrect information to spread and miscommunication to cause serious consequences. Their proof came from the fact that the INS and SSA databases have a 20% error rate, due in part to the slow process of updating files. The INS even admitted their inaccuracy stating that no U.S. citizen naturalized before 1972 was contained in their databases. Therefore, a person fitting in this category who was eligible to obtain a driver's license might have been denied if the DMV could not find their records. Other errors were the result of careless misspelling of foreign names.

Further arguments asserted that the Flake bill would cause discrimination and racial profiling. They demonstrated that federal and state agents alike would link foreign sounding accents and color with immigration status. Supporting this statement was the fact that Latinos and Asians have been the most targeted group based on superficial criteria mentioned above. They claimed that based on bias, civil rights even of actual citizens would be trampled upon especially those of Puerto Ricans who may look "foreign" but are U.S. citizens. This kind of profiling, they say scapegoats immigrants as terrorists and produces a false sense of security (Yzaguirre 3).

Building on the discrimination argument, they also identified vigilantism as a consequence of the restrictions. They argued that as bills are passed and anti-immigrant

sentiment is increased individuals themselves start enforcing law. One example they provided was that of airlines. They reported that since 9/11 airlines have participated in profiling by selecting certain types of people for security checks instead of taking part in random searches. Looking to the future, the group feared that even vendors and restaurant workers would be suspicious of certain people and would require them to provide their driver's license to show proof of their legality before they provided service.

Lastly, the group argued that the bill would not prevent terrorism. Building upon arguments previously described, they also addressed deeper issues of terrorism. They explained that steps needed to be taken before restrictive driver's license legislation was proposed (NCLR document). First, the INS needed to be more careful in its admittance of people before they entered the country. They could achieve this goal by sharing pertinent information between agencies, this way no potential terrorists could slip through the cracks. Their argument was based on preventive measures rather than reactionary measures that placed burdens on non-threatening immigrant people.

They concluded the letter by showing widespread support for their position. They listed over three pages of organizations across the country who were opposed to legislation, which would be the first to federally mandate state restrictions on the driver's license. Finally, they urged federal legislators to defer to the states on this issue instead of undermining their efforts to promote road safety. They took this position because they feared a restrictive national law would be the most difficult to repeal (Yzaguirre 1-3).

Another restrictive driver's license proposal was House Resolution 5322 introduced on August 28, 2002 by Representative Eric Cantor, a Republican from Virginia. The first bill under this proposal was called the "Driver's License Integrity

Act.” This act, very similar to the Flake Bill, would tie state driver’s licenses and identification cards to a person’s immigration status. The license would expire when one’s nonimmigrant visa expired, and visitors to the U.S. would have to prove they were legally in the country before getting a license. This bill, however, would provide a grant for technical assistance to the states through the U.S. Department of Justice.

Representative Ballenger, a co-sponsor of the bill, stated that while states would be obligated to conform to a uniform standard of denying illegal peoples driver’s licenses and identification cards, they would have discretion to decide how exactly to carry out the measure. There was also a partner bill called the “Visa and License Integrity Act,” which along with the above provisions would bar federal agencies from accepting licenses from states that did not comply with the designated requirements. Since its proposal, “The Driver’s License Integrity Act” was referred to a House Subcommittee where it currently sits with no action being taken (“Bills” 1).

Again while it sits, criticism of the bill has escalated. Among previous arguments asserted, the bill’s sponsors have been accused of hypocrisy. Ron Daugherty, the Democratic opponent to Representative Ballenger in the general election stated, “it is ironic that the congressman would co-sponsor a bill to restrict privileges to illegal immigrants when the free trade issues he supports, such as the North American Free Trade Agreement (NAFTA), is what keeps them coming to the United States (qtd. in “Bills” 1).” He accused Representative Ballenger of supporting a double standard: inviting immigrants, legal and non-legal, to the U.S. in order to help the economy but then upon their arrival denying them basic rights. He further stated that such a bill is an

attempt to “soothe the American public” into thinking they were safer while the sponsors worked behind the scenes to expand NAFTA to 31 more countries (“Bills” 1-2).

Representative Ballenger responded by defending national security as the sole purpose of the bill. He stated that “An estimated 40% of the 3 to 6 million illegal aliens who resided in the U.S. last year were admitted under a nonimmigrant visa and stayed in the U.S. after their lawful stay expired (qtd. in “Bills” 2).” He expressed that people remaining in the country illegally threatens to endanger citizens. He argued that the proposed legislation provided a solution to removing this threat at a minimal cost.

Another possibility for restrictive driver’s license measures was part of the Homeland Security legislation proposed by the Bush Administration. On July 16, 2002 a call for national standards for state driver’s licensees was added to the broad proposal for Homeland Security (H.R. 5005). The Homeland Security director, Tom Ridge, announced in the spring of 2002 that the administration supported more uniform standards throughout the states that would tie license expiration to visa expiration in order to illuminate illegal immigrants. The plan, opponents said, was basically to turn state driver’s licenses into de facto national identification cards (“Washington” 1-2).

As the Homeland Security bill sits in the House and Senate both bodies disagree about the driver’s license provision. The House has created a version of the bill which provided that a national identification card in any form could not be part of the Act. They claimed that uniform driver’s license standards constituted a national identification card. However, in the Senate no similar provision has been included in their version of the bill. As the bill is acted upon in both bodies, pro-immigrant forces are watching to make sure no restrictive driver’s license amendments are added (Waslin 2002b 2).

Amongst talk of national identification cards was another bill introduced by Republican Representatives James Moran and Thomas Davis. The House Resolution 4633, called the “Driver’s License Modernization Act of 2002” or more commonly the Moran/Davis bill, has been described as a “nationwide identity system (qtd. in “Right” 1).” The bill mandated that all states standardize their driver’s licenses and identification cards within five years. The cards would be uniform including amongst other things biometric identifiers, which are human characteristics such as thumbprints and eye color used to determine one’s person-hood. The card would be capable of multiple functions and applications for different government agencies. The bill would also make uniform the processes of obtaining a license including particular provisions for proving residency and citizenship. The measure would further link the databases of all DMVs across the country (“Right” 1). Overall, there would be one card issued to all citizens that would allow authorities in any state to track them down.

While immediately following September 11th as many as 75% of people across the nation were in favor of a national ID, like the one described above, the support a year later has dramatically decreased (Frank 1). With some of the initial fear having subsided, many Americans are now worried about the implications to civil liberties that a national ID would bring. In fact, concerns were so high that even right wing and left wing groups, such as the ACLU and the Eagle Forum, came together despite their partisanship to oppose what they called an “unparalleled system of personal information sharing (qtd. in Frank 1).”

They first argued that a national ID would not prevent terrorism. They described that terrorists would still be able to obtain documents, real or fake, that could get them the

national ID card. Furthermore, once terrorists had obtained the ID, they would have even greater access and freedom than with a state form of identification. For example, terrorists could bypass important safety checks that exempted people with national identification cards such as those in airports (Murillo 1).

Second, they claimed that a national ID would lead to identity fraud. Thieves that steal people's SSNs and birth certificates in order to take on their identities or rob them of their money would be given a new access to an unlimited amount of information. Opponents argued, that even though such cards would have biometric identifiers, meant to reduce fraud, error would still occur as thieves would find ways to defeat the system. Providing proof of this, groups looked to an intensive study conducted in Japan where researchers found that making a fake finger out of gelatin could fool a biometric scanner 80% of the time. Also, they found that a thief could link his or her biometric features such as a finger print to another person's information, not only stealing someone's identity but making it nearly impossible to get it back (Murillo 2).

Further criticism hinged on issues of privacy and freedom important to the American public. Information including physical characteristics, immigration status, nationality, voter registration, commercial applications among other things could be contained on a card that could be accessed by any number of people (DMVs, police, etc). Opponents feared that more and more people including tax collectors, employees, landlords, banks, insurance companies, credit card companies, direct mailers, etc. could also gain access to this private information. One problem related to information sharing is the information itself. With an increasing amount of personal information being accessed by many public and private agents, people would be dependent on DMVs to

keep their files accurate. If a person's information was incorrect or not updated they could be impeded from traveling or even applying for a job (Murillo 2-3). Opponents questioned who would be in charge of continuously and carefully updating the information of every person in the country and what kind of cost that might accrue.

Moreover, opponents argued that a national identification system would cause discrimination and racial profiling. They stated that people who were stopped by police and did not have their national id with them could be subject to abuse. Particularly, they stated the possible consequences for minorities such as African Americans, Latin Americans, Asians and Arabs who had forgotten their card. Police could use the lack of the card as an excuse to search, arrest, detain or even abuse individuals (Murillo 1-3).

Some opponents have even looked to the future where a measure that now may seem mild could lead to serious privacy threats. They argued that through a national driver's license the theory of "Big Brother," could become a reality (qtd. in Dershowitz). They predicted that the driver's license could one day contain other very personal biometric information such as one's retinal scan, DNA information and medical history along with more intimate information such as a person's sexual preferences, religious beliefs and political views. They asserted that these measures, technically speaking are currently viable, and could be tied to a national identification card if security fears continued to be exploited.

With such stark criticism of the Moran/Davis bill other proposed legislation has moved away from a national identification card. Now supporters look more towards a standardized state form of identification. First, Senator Durbin is currently working to create a proposal, which is unique from other bills in its extreme focus on the use of

biometrics as part of the state driver's license and identification card. Thus far, this proposed tracking system has not been introduced as a separate measure since Congressional concerns for security have not been focused on biometrics (Moran 1).

Second, AAMVA, working with Senator Durbin, has been very vocal on their position regarding state driver's licenses. They expressed that they support one standard for all 50 states to follow regarding driver's licenses and identification cards. They are currently working to create a system that would link state databases to each other by developing a bar code on the driver's license with a computer chip inside that could be scanned nationwide. Further access to such cards would also be given to the INS and other federal agencies. As of present, AAMVA has not recommended a list of documents that would be acceptable in the proposed national standard and is expected to announce their final plan in January of 2003 (Moran 1). Criticism is heated towards such proposals, which opponents call part of creating a "back-door national ID (qtd. in Moran 1)." Opponents further stated that developing such a system may become a slippery slope to a national identification that would allow many agencies access to personal information. In opposition to AAMVA, the National Conference of State Legislatures has publicly discredited a national standardized license advocating local action of "hometown security" to prevent against threats (Moran 1). The National Governor's Association has remained silent on the issue.

Thus far no measure has passed that would impose national standards on driver's licenses and identification cards. While the SSA has stopped issuing SSNs for the sole purpose of obtaining a license, that action has been the only limiting federal policy change. In the meanwhile, groups such as the NCLR are continuing to build their case

against federally standardized license requirements. To better do so, they are asking states to collect information at the local level that could be shared with federal officials. Moreover, they are asking for the names of law enforcement officers, chambers of commerce or businesses that either support or oppose license restrictions in order to build grassroots support. Most importantly, they are asking for personal stories from people who have been effected by state measures in hopes of putting a face to rigid policy. In order to prove that such restrictions are not preventing terrorism but are hurting hard working individuals. They are also seeking stories from people who are legally in the country but because of limited measures cannot obtain a license and or have suffered discrimination in the process. Along with this kind of information, they are researching how different states, depending on their driver's license policies, have benefited or been hurt from loose or strict processes (Waslin 2002b 1).

Many questions remain as to how this issue will play out. Will any measure related to the issue of driver's licenses become law this legislative session? If not, similar measures could be introduced again in the next legislative session. To answer these questions, Michele Waslin, a Senior Analyst for the NCLR, asserted that she believes nothing will happen this session but that legislative sessions in the future will see more of the same proposals. In the meantime, pro-immigrant forces are working to oppose restrictive policies at the federal level. They believe that the driver's license should be dealt with at the state level on the issue of public safety not immigration. Whether the federal government allows the states to decide the issue for themselves is yet to be seen. Regardless, the complexity of federalism will play a significant role in determining the way immigrant's live in this country (Waslin 2002b 1).

A Personal Analysis

Up to this point the driver's license issue has been primarily analyzed on two state levels and on a national level. Stories have been told and arguments have been asserted. Now, I would like to share a personal opinion about the driver's license issue from my own personal experience with it. This past summer, through the University of Tennessee College of Law and Latino advocacy groups in Knoxville, I was connected to the Latino Coalition in Louisville. I soon became a volunteer intern for the Advocacy Committee, which is made up of social workers, lawyers, and members of the community who are interested in advancing legal rights and civil liberties of the Kentucky Hispanic population. My specific role on the committee was to research the status of state and federal legislation regarding tighter driver's license requirements. Through my research, I set up working files and made cross-country connections useful for future advocacy. In July, my role changed as relevant Kentucky law went into effect and the coalition's struggle moved into the legal arena. Consequently, I was one of the interns described previously who was placed on an Ad Hoc Committee for the ACLU of Kentucky Legal Panel, charged with the task of researching possible legal action against the anti-immigrant law. I spent time researching cases that provided precedent for national origin discrimination and other appropriate arguments. More exciting though, was the time I spent searching for possible plaintiffs and encountering non-citizens who were actually impacted by the law. The enjoyment I gained from directly working with such people helped me to gain a better grasp of the issue and see it from a new perspective.

When beginning my internship, the first people I encountered were members of the Advocacy Committee. I was so moved by the fact that these people not only worked

hard all day either to legally represent immigrants or help immigrants who had been victims of abuse but, they also gave their free time at night to come together and find other ways to improve an immigrant's quality of life. The advocates were compelled to do this work in hope that they could seek what they felt was right and just. In this particular case, justice in their eyes was giving hard working immigrants whom they have dealt with each day a license to drive and in effect a license to seek their dreams.

The other type of people I encountered were the immigrants directly effected by the law. I learned that these immigrants were not one homogenous group nor were they helpless victims of a law imposed upon them. Rather, I encountered several immigrants who were members of the Advocacy Committee and who choose to be active participants in the betterment of their own lives. One man, Jose, the writer of a Spanish newspaper called *Hoy en las Americas*, has helped educate and mobilize many immigrants by publishing in his paper the new driver's license proposals, personal stories, and tips for advocacy. Another advocate Karina Barillas, mentioned above, better informed international students and the rest of the University community about the dangers of the driver's license bill.

On the other hand, I encountered other immigrants who were not informed about the issue but rather felt confused and victimized by the restrictive policies. I found these people in my search for possible plaintiffs. I gained such insight from the opportunities I had to listen to them and empathize with their suffering. One particular man, whom I met in a local DMV, will forever remain in my memory. As I sat in the middle of the crowded room, I spotted this Korean man standing in line. After his turn in line he walked towards the chairs with papers in his hands waiting to be called to the desk. He

looked confused and I suppose it was my smile and friendly demeanor towards him, which he had not encountered in this office, which led him to sit near me. He turned to me, handed me the papers that were in his hands, and asked in his broken English if he had passed the written exam. I assured him that he had and then continued to engage him in conversation.

I asked him first if he had had any problems in trying to obtain a driver's license. He quickly responded that he had gone through a long process that left him feeling like a criminal. In our dialogue about the issue, which was explained more thoroughly in a previous section, I learned that he was a surgeon studying in the United States for one year with his family. When he mentioned his children, I thought about the fear and disillusion they must be feeling about themselves and about America. Overall, the man was very friendly, patient and harmless; it was amazing to me that to some observers looking only at his exterior he was a "suspect" in the war against terrorism. Speaking with this man, and others in his similar predicament, helped to put a face on this very complex issue. When I get bogged down with the facts and arguments, I think of these faces and the issue becomes clear.

Besides immigrants and other advocates of immigrant's rights, I encountered many who were not so sensitive. In fact, when I went to the DMV office and the Cabinet Hearing Office, I could sense an anti-immigrant sentiment that was like a thick cloud in the air. Both rooms were crowded with applicants waiting in long lines and in chairs. Whenever a person who "looked foreign" in any way entered the room, I could see the suspicious gazes. When a person who looked like they were from a Middle-Eastern part of the world entered the room, the gazes only worsened. In fact, the entire mood would

change and just by looking at the facial expressions and body language of some of the people, regardless of their race, I could tell they were wondering whether that person was a terrorist. Since the events of 9/11 this kind of attitude has been present everywhere, but in the DMV especially, I felt that it was stronger.

Personally, I am against restrictive driver's license regulations. At times when I feel torn in different directions on the issue my gut always comes back to this decision. I think it is because I am able to think of immigrants as real people whom I have met and been a witness to their hardship. I also reflect on the reasons why they have left their home to come to this country. Furthermore, I can empathize with their need to work, eat, and make a better life for their families. I learned these things not only from my work this summer but from past experiences as well.

During some of my time in college, I volunteered to help teach ESL classes to immigrants from all over the world. Each week I got to know new people with amazing stories, and over time I made friendships that I had not expected. One young girl in particular, Svetlana, made an everlasting impression on my life. The fifteen year old Ukrainian, who attended classes every week with her parents and brother, told stories, using her very good English skills, about how much she wanted to be "cool" like the kids in her class. The girls, she said, "wear make-up, highlight their hair, and get tans." Svetlana, a very pale-skinned and dark-haired person, explained that in her country such things, among many others, were not part of a young girl's life. However, since she had come to the U.S. she wanted to break free of old rules and become to what her seemed like the perfect thing: an American.

I knew that her family did not have much money so I would bring her gifts of lipstick and self-tanning lotion, and while I put them on her we swapped stories of our very different lives. However, Svetslana did not tell me the most horrific stories of struggle she had gone through. One week, her mother confided in me the real reason why their family had fled. Under the Ukrainian system, they were so poor that the only food the family had to eat was the leftovers that the mother would take from the hospital where she worked. I then began to realize that the way Svetslana awkwardly walked was not due to her age but the malnutrition her body had suffered. Consequently, this horrific story both upset me and humbled me; I thought of how lucky I had been to be born in a free country like America. I also realized the importance of America as a place of refuge for people like Svetslana who can now worry about having make-up to wear instead of having food to eat. Applying this particular case to the driver's license issue, allows me to see the injustice. First, I understand that most immigrants have to come the U.S. or face starvation and death in their own country. Immigration is not generally a choice to get rich and milk America of its resources but rather a choice of survival. Immigrants like Svetlana's family who make this choice and in doing so contribute work to the U.S. should be able to have a driver's license. Second, if Svetlana's parents were unable to obtain a driver's license, for any number of reasons, Svetlana would again be vulnerable to starvation. Essentially, the family would be faced with a double edged sword: if her parents followed the law then could not drive to work or to the store and if they did follow the law, they risk fines and imprisonment. This is not a far-fetched conjecture since refugees, like this family, are having problems every day obtaining driving licenses.

On the other hand, I can empathize as well with people who have had real fear placed in their lives since the terrorism of 9/11. When I saw, over a year ago, that normal people who were just going on with their daily routine, whether it be working or flying, were killed in such a horrid way, I was shocked. Immediately after, like most Americans, I wanted someone to blame and to focus my anger on. The media easily provided that person in Osama Bin Laden and other Middle-Eastern men who had been involved. Consequently, at first, I became more aware of foreigners when they were around me becoming a bit uneasy. I will admit that when I had to fly somewhere not soon after the attacks, I was suspicious of anyone on my plane who looked like the men that the media had constantly been flashing on my television screen. However, after time, reflection and education, I no longer feel the same tension between myself as an American and others who are not. I calmed down and realized that not everyone who may “look like a terrorist” is an actual terrorist. In this experience, I have learned that fear can be very real and powerful. However, one must be able to distinguish between real fear and that which is created and fueled by media and politicians.

The driver’s license issue has been one such example of how arguments based on fear can cause harsh measures. It is true that driver’s licenses give one great access to many things beyond being able to drive, and therefore I agree that DMVs should be cautious about their issuance. However, I do not let these simple facts, surrounded by emotion, lead me to a decision about this complicated issue nor make me take an extreme stand to limit the rights of a certain class of people. I have instead looked at all sides of the argument and examined the facts, which has allowed me to see that the attainment of a driver’s license does not cause or propel terrorism.

Moreover, I believe that terrorism goes much deeper than just possessing a driver's license. The issue is very complex and involves examining certain questions. For example, one should consider why people participate in terrorism in general and why the particular 9/11 terrorist attacks occurred. Was it because someone obtained a driver's license; I think not. Also the history and development of the Taliban and the Al-Queda Network should be explored. The U.S. should look at its own actions to see if they were in part responsible for the rise of the Taliban and terrorism associated with the group. Furthermore, upon taking responsibility, the U.S. should change its policies to prevent future terrorist organizations. The U.S. should take such preventive measures before reactionary ones. These are just a few of the issues that should be deeply analyzed before hasty measures are taken to produce a quick fix. Sure, preventing all illegal immigrants, and some legal immigrants, from getting a driver's license may prevent some terrorists from also obtaining a license, but will that really stop a serious terror scheme or will that hurt the majority of hard working immigrants who are the real ones effected? To me the latter is the answer but to an uninformed and fearful public the former may be all they can see. However, this kind of quick simple answering can cause an oversimplification that only keeps people from seeing the truth and discovering real solutions.

Also, there is the issue of home-grown terrorism. What about all the potential terrorists who are American and can easily obtain a driver's license. If it is true that driver's licenses pose such a threat then why are there no proposals to tighten up driver's license restrictions for all people? Currently, we are only seeing attempts to single out one class of people. Furthermore, it is this act of singling out people that is the true threat because it is a threat to our civil liberties and that which our country stands for. If we

forget about these fundamental idea then the terrorists will have won because they will have caused us to question our liberty.

Overall, I think that some legislators have used the driver's license issue as a political weapon that has put them in the role of "good guy" fighting "bad immigrant terrorists." The issue has been laid out as black and white: terrorists can use driver's licenses to threaten our national security thus the only solution is to deny all foreign-born people this document. In my opinion, people accept this simple solution for basically two reasons: either they believe that their elected representatives know best and are able to make decisions as protector of all that is good or they do not feel they are in a position to disagree and be labeled as anti-American or unpatriotic. I hope that people do not accept this simple answer and instead seek greater knowledge and understanding so that they can make their own informed decision. My decision is that the driver's license issue is like a Band-Aid acting to stop the bleeding of a cut. While it may temporarily stop the bleeding and satisfy the injured party, it will not prevent future cuts.

Conclusion

All together, of the 46 restrictive bill proposed nation wide since the events of 9/11, 38 failed (State). The successful proposals that created more restrictive driver's license policy were in Virginia, Colorado, Florida, Kentucky, New Jersey and Ohio (See Appendix II). There were also some restrictive rules that did not pass their state legislature but were adopted by rule such as in the states of Minnesota and Tennessee. Currently in Kentucky, advocacy groups have not given up, despite their legislative loss. They are now working to prepare a legal challenge to defeat their law in the courts. Tennessee advocates are disappointed in the measures adopted by their governor but they

are hopeful that the next elected official will reverse the policy. If not, Tennessee too is prepared to launch a court battle. The work of the interest groups on both states, however, are vulnerable to the possibility of federal action. Currently, all federal bills are dormant but have the possibility to become law. Interest groups in both states believe that a fair balance of federalism would allow them to settle the issue within their own borders by their own citizens. In the meanwhile, it is immigrants who are suffering discrimination and unjust policies, which are keeping them from obtaining a driver's license. Additionally, all people are suffering from the risk imposed by unlicensed drivers. Though these are the current results after a long and tiring 2002 legislative session, there are still many loose ends.

In fact, there are a multitude of possibilities and questions pertaining to the future of this controversy. The main question is whether future legislation and or court rulings will or will not allow immigrants, legal and some illegal, to obtain a driver's license. Furthermore, it is yet to be seen whether this decision will be made by each state individually or whether the federal government will decide to make one uniform standard. If left up to the states, will legislative initiatives continue to be asserted or will the restrictive bills ease as 9/11/01 becomes more distant? There is also the possibility that if tighter laws pass more states will file their own lawsuits. On the other hand, if the federal government passes a law to limit driver's license availability or creates a type of national identification system the ACLU could file a unified federal lawsuit. Getting the courts involved could also bring forth some interesting rulings depending upon the location of the court and the political pressure involved. Moreover, the issue could reach the U.S. Supreme Court thus receiving major national attention. With the public in view,

a ruling based on identification and American citizenship could influence the way people feel about their national identity.

Assuming that some restrictive policy becomes law, whether in the states or all over the country, there will be several implications. First, without a domestic form of identification, an influx of other foreign identification cards may become acceptable in the U.S. For example, the matricula consular, which is issued by the Mexican government is currently recognized in some parts of the U.S. for certain activities such as opening bank accounts. If more countries decide to issue similar cards, the U.S. will have to decide from which countries they will accept cards. Second, stricter policies could continue to violate applicant's civil rights thus causing more legal challenges. Third, if immigrants cannot legally drive to their jobs and are thus being jailed and fined, will they leave the U.S.; will other immigrants be deterred from migrating to this country? Next, there are implications for a perpetuation of racial and ethnic tensions between citizens and non-citizens. These kinds of tensions could lead to anti-immigrant attitudes, stereotyping and acts of violence. Lastly, whether these narrow laws would actually help prevent terrorism or whether they would only hurt hard working immigrants is still playing out. Furthermore, if the U.S. is actually made safer, will the loss of particular freedoms be justified?

On the other hand, if the driver's license is made more accessible another line of questions would arise. First, what would the laws look like? They could be discriminatory themselves by giving only particular nationalities access to the card like Mexicans and Canadians as seen in several state proposals. Second, with the possibility that immigrants able to obtain a driver's license could have the ability to vote, changes to

constituencies could change across the nation. Third, with increased access to driver's licenses, would immigrants actually seek this form of identification and would roads then become safer? Also, if more people were registered in DMV databases, the Federal Government could have a better knowledge of who is in the country. Lastly, could loosened driver's license laws aid terrorists and or cause more terrorism?

At this point, the driver's license controversy rests both with the states and the federal government. In Tennessee, no repeal to loosened driver's license laws has been successful. However, the governor having adopted by rule some strict measures, leaves immigrants uneasy. Whether a new governor will implement these rules or whether advocates will file a legal battle is yet to be seen. In Kentucky, such a legal challenge is currently being researched against one of the most restrictive driver's license laws in the country. Whether the activists will have a strong enough case to file and or win a lawsuit is also left unknown. There is also a working proposal to loosen driver's license restrictions that will be brought forth in the next legislative session. At the federal level, legislation is pending that could nullify all state policy thus shifting the balance of federalism to the national government. Depending on the success or failure of these proposals, there could be a whirlwind of activity relating to this issue. Meanwhile, the public is still voicing their opinions and concerns on both sides of the controversy and immigrants in many states are still facing real obstacles. However, state interest groups are refusing to yield the floor to harsh state or federal law, instead they have great hope.

To pro-immigrant groups just answers to the above questions lie in a more open system of obtaining driver's licenses. One activist, Jose Guerrero, articulated his desire for fair laws and his plan to achieve them. He stated that the only way restrictive

legislation can be defeated and more open legislation can be passed is if all immigrant activists unite to form one coalition. He encouraged people, whom he said “stood by the sideline waiting for some return on their lack of participation,” to get involved and make their opinions known. He further stated that if they did not all come together then they would never have the influence needed for change. Jose, however, has no doubt that change will occur, his faith rests in the power of numbers and the kinds of noise those numbers can make. Jose’s revitalizing message that “we were heard...but we can speak louder and louder still!” is reaching across the country to all people who are against restrictive driver’s license policies. Furthermore, Jose’s encouraging message will continue to ring in the ears of advocates all over the country until the battle is won; he said, “You made a difference, but don’t go to sleep now, there is much more to be done (qtd. in Guerrero 1)”

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Appendices

Appendix I
Survey designed by the Latino Coalition

Driver's License Report Form

- The Hispanic/Latino Coalition and World Communities would like to know how the new driver's license policy and law are affecting you.
- We are collecting the information below for the purposes of documenting the impact of the new policy and legislation.
- In addition to filling out this report, we suggest that you call the Kentucky Transportation Cabinet, Division of Driver Licensing, 501 High Street, Frankfort, KY 40622, 502-564-6800 with your concerns.
- We also suggest that you contact your State representatives and Senators about your concerns.
- Please keep records of all contacts you make regarding your driver's license, and keep a copy of the "blue letter" and any other information that you receive during the process.

- 1) Name:
Address:
City: State: Zip:
Phone number(s) where we may contact you:
Occupation:
- 2) Are you a US citizen? Legal resident? Other non-citizen?
(The law affects different persons differently, so this information is important to us)
- 3) Office location where you applied for a Driver's License (permit or license):
Date and time:
What happened?

Did you have to make more than one visit to the same office or another office?
If yes, please list location of each office, date and time, and what happened, using back of this sheet.
- 4) How did this policy and/or law harm you?
- 5) Were others harmed by your experience and how? (for example: your employer, your family, your business)?
- 6) How much did you pay for your permit and/or license?
- 7) Did you attempt to talk to the Transportation Cabinet or other government office about the situation?
- 8) Who did you talk to and what was their response?
- 9) Is it ok for someone to contact you about this information? Yes No
- 10) In which language(s):

-
- Please mail to the Hispanic/Latino Coalition at 607 E. St. Catherine St, Louisville, KY 40203
 - Or take to the Latino Center in Louisville, 607 E. St. Catherine St. Saturdays 10-2;
 - or take to the Latino Center in Shelbyville, 105 Main St. Attn: Driver's license

Appendix II
Updated chart of state driver's license happenings

2001-2002 STATE DRIVER'S LICENSE PROPOSALS

This table is current as of September 20, 2002. Information was compiled by The National Council of La Raza, the National Employment Law Project, and the National Immigration Law Center, from statutes and information provided by state advocates. Note that some of these proposals are still being considered and are likely to change. Contact state legislators or advocates for more information. For corrections or additions to table, contact Tyler Moran at moran@nilc.org.

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
AZ	HB 2255	Would delete state law requirement of "lawful presence" and specifically allow use of ITINs.	Bill is dead.
CA	AB 60	<ul style="list-style-type: none"> ➤ Allows applicants to submit ITINs (or alternative identifier designated by DMV) in lieu of SSNs when not available. Must sign affidavit that they do not have SSN. ➤ Allows applicants to submit proof that they have petitioned or applied for lawful immigration status. ➤ SSNs and ITINs obtained by DMV shall not be disclosed (with specific exceptions). ➤ Three-year license available for persons without SSNs who are applying for lawful status. 	<ul style="list-style-type: none"> ➤ Passed by legislature and sent to the Governor. ➤ Governor indicated that he does not plan to sign this bill unless an accompanying bill adequately addresses security concerns. See SB 804 below.
	SB 804	<ul style="list-style-type: none"> ➤ Requires persons who have applied for a lawful immigration status to undergo a criminal background check to screen for certain felony convictions and arrests pending adjudication. ➤ Persons who have applied for a lawful immigration status also must affirm that they have lived and worked in the state for 15 months during the preceding 3-year period. Exemptions for spouses, dependent children and nondependent students. ➤ Licenses may be revoked if the INS reports that a person is subject to a judicially final order of deportation or removal. ➤ Includes some privacy provisions and appeals procedures. ➤ Allows for a range of documents to be used to establish identity. 	<ul style="list-style-type: none"> ➤ Passed by the legislature and sent to the Governor. ➤ This bill becomes operative only if AB 60 is also signed into law.
CO	SB 112	Codifies existing rule requiring proof of lawful presence from persons seeking Colorado licenses/ID documents who present U.S. licenses or ID documents from states which did not require proof of lawful presence.	Signed into law.
	SB 67	<ul style="list-style-type: none"> ➤ Allows ITIN as identifier. ➤ Eliminates lawful presence requirement. 	Bill is dead.
CT	Proposed regulation	<ul style="list-style-type: none"> ➤ Eliminated Employment Authorization documents as form of ID ➤ Applicants must demonstrate proof of citizenship status or proof of lawful presence 	<ul style="list-style-type: none"> ➤ AG ruled provision eliminating EAD unconstitutional under equal protection clause ➤ Driver's license agency plans to work with members of General Assembly to submit legislation

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LPR: lawful permanent resident • SSN: Social Security number

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
DE	SB 379	Would require SSN, proof of legal residence, U.S. birth certificates, and revocation of licenses for deported persons.	<ul style="list-style-type: none"> ➤ Bill is dead. ➤ Proposal superceded by emergency regulations. ➤ On 3/5/02, agency required proof of legal residence in the U.S. SSN required only if eligible.
	SB 310	License expires with visa	Bill is dead.
	SB 287	SSN requirement	Bill is dead.
	DDL-010	Adopts new procedures for accepting identification from non-U.S. citizens. Lists acceptable documents.	
FL	EO 2001-300	<ul style="list-style-type: none"> ➤ Allows electronic information sharing between DMV and Dept. of Law Enforcement and other criminal justice agencies. ➤ Ties DL expiration date to that of INS documents. ➤ Retains electronic copies of foreign documents used to establish identity. ➤ Allows issuance of 30-day temporary permits when time is necessary to research and verify applicant's identity. 	Similar to SB 520.
	Agency policy	Driver's licenses from 20 states will not be accepted as primary proof of identity.	
	DHSMV notice	<ul style="list-style-type: none"> ➤ Licenses and IDs will not be issued if customer has less than 31 days remaining on his/her INS document. ➤ License expires with INS document. ➤ All noncitizens must bring immigration documents for services at the DL office. ➤ License or ID will be confiscated if valid INS document is not presented in seeking renewal or replacement of license or ID. Thirty-day permit will be issued at the office and new license or ID will be issued upon return with immigration documents. If individual cannot return with required documents his/her license will be permanently confiscated. ➤ All noncitizens will be issued 30-day permits at DL office. The plastic card will be sent by mail to address given by applicant. ➤ U.S. citizens born abroad may be required to bring Certificate of Naturalization as proof of citizenship. 	
	HB 324	<ul style="list-style-type: none"> ➤ License expires with visa. ➤ Applicants must present valid visa upon renewal. ➤ 	Bill is dead.

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
FL cont.	SB 520/ HB 223	<ul style="list-style-type: none"> ➤ Country of birth required on DL application. ➤ Licenses and IDs from another state only accepted if issuing state's document requirements are similar to Florida. ➤ Fingerprints and other biometric identifiers may be used to establish identity. ➤ Noncitizens' licenses would expire after 4 years (instead of 7) or upon expiration of person's visa, whichever is first. ➤ Noncitizens' licenses must be renewed in person. 	Signed into law.
GA	HB1008/ SB480	<ul style="list-style-type: none"> ➤ Amends definition of state residents to exclude immigrants not lawfully present. ➤ Licenses issued after July 1, 2002, will indicate if person is U.S. citizen. Immigrants' licenses will include expiration date of their visa. ➤ Driver's license expires with visa. 	Bill is dead.
IL	HB 3382/ SB 0167	Secretary of state may require that ITIN or other identifying number be submitted in lieu of SSN on application for DL/permit if applicant provides proof from SSA that s/he is ineligible to receive SSN or is prohibited by bona fide religious convictions from applying.	Bill is dead
	HB 4174	Requires the Secretary of State and the Department of State Police to jointly develop policies and procedures to capture and encode fingerprint information on driver's licenses and identification cards, and to submit a report to the Governor and the General Assembly no later than April 1, 2003. The Secretary of State would implement procedures to capture and encode fingerprints on all residents who wish to have that information on their driver's license on or after January 1, 2005.	Bill is dead.
IN	Agency Policy	New policy requires additional documents to prove identity and Indiana residence. Six documents now required. Immigrants must be lawfully present.	<ul style="list-style-type: none"> ➤ Implemented on July 15, 2002. ➤ Class action filed by ACLU. ➤ In September 2002, agency amended requirements to only require four documents to prove identity and residence.
IA	SF 2302	<ul style="list-style-type: none"> ➤ Driver's license personnel will ask any person applying for a driver's license or non-driver identification card if he/she is a citizen of the United States ➤ The Department may waive the SSN requirement for foreign nationals who are temporarily present in Iowa and who are not work authorized. ➤ License expires with visa, but not to exceed two years. 	Bill is dead.
	SF 2192	<ul style="list-style-type: none"> ➤ Applicants who are temporary foreign nationals may have the SSN requirement waived ➤ Foreign nationals who are temporarily in the state will be issued a license or ID card that expires with their visa, and that will not exceed two years. 	Signed by the Governor
	Agency Policy	➤ All citizens would have "Nonrenewable – Documentation Required" on the face of the license.	Department of Transportation withdrew policy effective 9-11-02 because of possible legal challenge.

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LPR: lawful permanent resident • SSN: Social Security number

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
KS	HB 2135	<ul style="list-style-type: none"> ➤ Persons without SSNs may use ITIN. ➤ Eliminates lawful presence requirement for persons who use ITIN. 	Bill is dead.
	SB 559	<ul style="list-style-type: none"> ➤ Applicants required to have proof of residency in state of Kansas. ➤ Immigrant licenses will be renewable annually. ➤ After July 1, 2003, all applicants for DL or instruction permit must submit "facial recognition identifier," as state's motor vehicle division may require. In addition, applicant may submit thumbprint. ➤ Adds SSN requirement; however persons without SSNs may submit sworn affidavit that they do not have an SSN. ➤ There will be designated offices where noncitizens may apply for their license. 	Bill is dead.
KY	HB 205	<ul style="list-style-type: none"> ➤ Requires SSN of applicant for operator's license only if applicant has SSN. ➤ Expands the list of eligible documents foreign nationals may use in applying for KY operator's license. ➤ Makes corresponding changes to non-driver ID card process. 	Bill is dead.
	HB 188	<ul style="list-style-type: none"> ➤ Creates "Special Status Individual" category of noncitizens who fall into defined categories of "refugee", "asylee", "paroled in the public interest," or "K-1 status," who will be treated like LPRs. License for these individuals is good for 4 years. ➤ For all other immigrants who are not "Special Status Individual" LPRs or citizens, license expires with immigration document, or in 4 years, whichever is shorter. Non-driver IDs expire with immigration document, or in 2 years, whichever is shorter. ➤ Persons with indefinite departure dates receive 2-year license (except "Special Status Individuals"). ➤ Circuit clerk may verify a person's driving status in National Drivers Register before issuing person Kentucky license. ➤ Honors DLs issued by other states if person is U.S. citizen. ➤ Allows persons who are not U.S. citizens and not Kentucky residents to drive up to 1 year on license issued by their country of domicile. ➤ In place of SSN, allows applicants to submit ITIN, denial letter from SSA, or notarized affidavit from applicant to Transportation Cabinet swearing that person either does not have SSN or refuses to divulge his/her SSN, based upon religious convictions. ➤ If person is not U.S. citizen or LPR, s/he must go to the Transportation Cabinet's main office or one of the agency's 12 field offices and demonstrate proof of lawful presence. Transportation Department has 30 days to review the documents and determine if person will be issued license. If person is determined to be eligible, then Department will issue official form that must be taken to the office of the circuit clerk in the county in which person resides. S/he will then be issued a license. ➤ Persons who are not U.S. citizens or LPRs must renew license at the office of the circuit clerk in the county in which person resides. ➤ Eliminates the non-driver ID card requirement. Instead, applicants may submit notarized affidavit with a property owner's or agent's signature and must swear that they have permission of the property owner, agent, or possessor to reside at the property. ➤ If person has any type of change in immigration status, s/he shall apply to renew an operator's license with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. 	<p>Signed into law.</p> <p>Catholic bishop sent a letter to Attorney General John Ashcroft asking him to review law.</p>

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LPR: lawful permanent resident • SSN: Social Security number

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
LA	SB 89 A	<ul style="list-style-type: none"> ➤ Non-citizens must demonstrate lawful presence to get a license ➤ Upon arrest of a person for operating a motor vehicle without lawful presence, law enforcement officers will seize the person's license and report them to the INS. Persons will also be fined not more than \$1000 and/or imprisoned for not more than one year. ➤ Ties expiration of visa to the expiration of driver's license ➤ License includes a code, which indicates that the person is a non-citizen ("nonresident alien") or noncitizen student. ➤ Noncitizens must renew licenses in person. 	Signed by Governor
ME	LD 89	<ul style="list-style-type: none"> ➤ Eliminates SSN requirement 	Bill is dead.
MD	HB 1036/ SB 639	<ul style="list-style-type: none"> ➤ Noncitizens ineligible for license unless they possess a lawful entry document. ➤ License expires with visa. 	Immigrant provisions died
MA	HB 3391	Eliminates the requirement that applicants for certain licenses provide SSNs.	Bill is dead.
MI	HB 5497	<ul style="list-style-type: none"> ➤ Allows the DMV to report suspected illegal aliens to INS, under a "reasonable cause to believe" standard. ➤ Prohibits issuance of licenses to persons unlawfully present and "nonresidents," including foreign exchange students. (House bill includes language that persons are not unlawfully present if they have resided in the state for 30 days and can prove that they are in process of acquiring a lawful status or have challenged a decision regarding their immigration status.) ➤ Provides that licenses belonging to noncitizens expire after 4 years or on the date presence becomes unlawful, whichever occurs first. ➤ House bill only: provides that a license from any state in Mexico shall be recognized to the same degree as licenses from any other foreign country. 	Bill is dead
	SB 931	<ul style="list-style-type: none"> ➤ Prohibits issuance of state IDs to unlawfully present persons. ➤ Provides that IDs belonging to noncitizens expire after 4 years or on date presence becomes unlawful, whichever occurs first. 	Bill is dead.
	SB 960	<ul style="list-style-type: none"> ➤ Requires lawful presence ➤ Department may report immigration status information to INS if employee believes applicant is undocumented immigrant. ➤ License expired with visa. 	Bill is dead

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
MN	HF 2622	<ul style="list-style-type: none"> ➤ Requires proof of residency and lawful presence for DLs and ID cards. ➤ Prohibits issuance of DL or ID card if individual has no short-term admission status to the U.S. or if admission period expires in 30 days or less. ➤ Provides that state IDs and DLs of applicants who are lawfully present as a result of an INS authorizing document will expire on the date when that authorization expires or is terminated, or 4 years after issuance of the license/card, whichever is earliest. ➤ State IDs and DLs of persons under 21 and lawfully present as a result of an INS authorizing document will expire on that person's 21st birthday or on date when that authorization expires, whichever is earliest. ➤ State IDs and DLs of persons who are lawfully present as a result of an INS authorizing document must be marked in a distinguishing color, plainly marked "nonrenewable," and marked in code on the back for law enforcement purposes. 	<ul style="list-style-type: none"> ➤ Bill is dead. ➤ Commissioner of Public Safety attempted to pass policies through emergency rulemaking process, but an administrative judge ruled that there needed to be a public hearing and comment period. Advocates assume Commissioner will proceed with public rulemaking process.
	SF 2855	<ul style="list-style-type: none"> ➤ Provides that state IDs and DLs of applicants who are neither citizens nor permanent residents expire on the expiration date of person's visa or other short-term admission document. ➤ Applications for extension and renewal of driving privileges will not be granted if commissioner believes that applicant does not have permission to remain in U.S. throughout extension or renewal period. ➤ However, extensions/renewals shall be granted for 6 months for an applicant who does not have permission to remain in U.S., if applicant can provide statement from a U.S. government agency or other proof that application to renew/extend visa or other short-term admission document is pending. 	<ul style="list-style-type: none"> ➤ Bill is dead. ➤ Commissioner of Public Safety attempted to pass policies through emergency rulemaking process, but an administrative judge ruled that there needed to be a public hearing and comment period. Advocates assume Commissioner will proceed with public rulemaking process.
	Admin. Rule	<ul style="list-style-type: none"> ➤ Must demonstrate proof of lawful status ➤ Licenses and IDs from other states eliminated as primary document to prove identity ➤ Temporary licenses shall be issued to noncitizens whose visa expires in 60 days or less at time of application ➤ License expires with visa, or four years, whichever date occurs first ➤ The commissioner will extend the expiration of the license by six months if the applicant can demonstrate that they have filed an application to extend the length of their visa. If extension is not granted, license will be cancelled. ➤ Temporary residents will have the words "Status Check" and a visa expiration date on their state-issued cards. Proof of extended authorization to remain in the country will be required when the authorization date indicated on a card expires. ➤ Eliminates provision of law that allows exemptions from requirement to have photograph on license 	<p>Rule effective July 8, 2002</p> <p>Petition for Declaratory Judgement filed with Court of Appeals in July by Minnesota ACLU.</p>
MS	HB 1348/ SB 2737	Noncitizens' licenses will expire after 1 year or on date their immigration documents expire.	Bill is dead.

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
MO	HB 1462	Allows aliens to obtain DLs after providing certain information to Dept. of Revenue. (Bill was withdrawn and details are no longer available.)	Bill is dead.
	HB 1416	<ul style="list-style-type: none"> ➤ Requires person with immigration visa to notify Dept. of Revenue of that fact upon application for a DL. If person already has license, upon expiration of visa, Dept. of Revenue must be notified about expiration. ➤ Requires clear printing of a "V" on front of DL of persons with an immigration visa. 	Bill is dead.
	HB 1881	<ul style="list-style-type: none"> ➤ Allows use of ITINs in lieu of SSNs on application for DL (regardless of eligibility for SSN). ➤ Allows Dept. of Revenue to require aliens to submit birth certificate as part of application for DL. 	Bill is dead.
	HB 2021	➤ Provides that persons found guilty of making false statement or affidavit shall be guilty of a misdemeanor and shall not be licensed to operate a motor vehicle for 1 year after such finding or conviction.	Bill is dead.
NE	LB924	<ul style="list-style-type: none"> ➤ DMV "may provide for capture and storage of biometric identifiers." ➤ Face of license would include biometric identifier. 	Bill is dead.
NH	Agency Policy	➤ Requires all noncitizens to go to one office in the state (Concord) to apply for a license or ID card	
NJ	S 2708/ AB 3922	<ul style="list-style-type: none"> ➤ License and state ID expires with visa. ➤ Bill grants statutory authority to DMV to refuse to issue license, permit, or ID card in any case when reasonable doubt exists as to authenticity of the required documentation. The license, permit, or ID card would be issued only after the document presented to establish legal residency is verified, to the satisfaction of the DMV, by the agency which issued the document. 	<ul style="list-style-type: none"> ➤ Signed into law. ➤ ACLU preparing legislative proposal to allow use of ITINs.
	Admin. policy	<ul style="list-style-type: none"> ➤ Immigrants with visas that expire less than 1 year should use their foreign license. ➤ All noncitizens must use 1 of 4 designated Registry offices. 	
NM	HB 135	<ul style="list-style-type: none"> ➤ Allows Motor Vehicle Division to issue DLs to persons without SSNs. ➤ Bill will only apply to people who are lawfully present in the U.S. 	<ul style="list-style-type: none"> ➤ Signed into law. ➤ Legislative history refers to people who are lawfully in U.S. but who have no SSN. Legislation is broader. Agency head has announced intention to verify status and limit to those who are lawfully present.
NY	A09603	Allows use of ITIN in lieu of SSN for legal immigrants only in obtaining or renewing DL.	Bill is dead.
	A09835 & A09624	Limits time that persons on travel, work, or student visa may hold DL, learner's permit, or ID card to the expiration date of their visa.	Bill is dead.

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
NY cont.	S06328	<ul style="list-style-type: none"> ➤ Requires issuance of state resident ID cards by DMV. ➤ Provides that ID cards shall contain SSN. 	Bill is dead.
	A05504	Allows police agencies access to photo image files maintained by DMV.	Bill is dead.
	A09586/ S6062	Requires that commercial DLs for LPRs expire with their visa (intent was most likely for licenses to expire for immigrants who have a visa).	Bill is dead.
NC	SB 600	Will recall all DLs issued with invalid SSNs and reissue them upon submittal of valid SSN.	Bill is dead.
OH	SB 184	<ul style="list-style-type: none"> ➤ Noncitizens issued "nonrenewable license" ➤ Provides that license expires with visa. ➤ Lawful presence requirement to renew a license ➤ License is not transferable to other states. ➤ Nonrenewable license may contain security features that the registrar prescribes. 	Signed by Governor
OK	HB 2887/ SB 982	Provides for computerized fingerprinting for every original, renewal, or replacement DL to produce image of fingerprint to be placed on DL.	Bill is dead.
PA	HB 2416/ S457	<ul style="list-style-type: none"> ➤ Establishes fingerprint or other biometric ID system as part of statewide database. ➤ System will be administered by attorney general ➤ System shall not be used for any other purpose nor shall the information be shared with any third party for any other use. 	Bill is dead.
	Agency Policy	<p>Changed documents that are acceptable to prove identity</p> <ul style="list-style-type: none"> ➤ Lawful permanent residents must present their SSN card, two forms of proof of residency, and either an INS Form I-551, a valid passport with an I-551 stamp or an I-327. ➤ Non-immigrants granted entry for less than one year, or who have less than one year remaining on their entry documents, are not eligible for a license. If eligible, non-immigrants must present their SSN card, two forms of proof of residency, a valid passport, an I-94, a visa and all original INS documents to verify the person's status and length of stay in the U.S. People with F-1, F-2, H1-A, H1-B, H2-A, H-3, H-4, J-1 and J-2 visas must show additional documentation. ➤ Refugees must present their SSN card, one form of proof of residency, their I-94 stamped "refugee", their Reception and Placement Program Assurance Form, and written verification of identity and PA residency presented by an employee of a sponsoring organization approved by the U.S. Dept. of State to resettle refugees in PA 	Didn't go through rulemaking process. Groups considering litigation.
RI	H 6921	For motor vehicle purposes, person must be lawfully in U.S. to be considered RI resident.	Bill is dead.
	H 6923	Would require all operators' license applicants to furnish proof that they are lawful residents of the U.S.	Bill is dead.

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
RI cont.	Emergency Regulation	As of May/June 2002, new and renewal applicants for DL can present ITIN in lieu of SSN by stating that they are not eligible for SSN. Affidavits are not longer accepted in lieu of a SSN.	
SC	H 3306/ H3333	"Illegal aliens" are not eligible for DL.	Bill is dead.
	H 4670	<ul style="list-style-type: none"> ➤ License expires with visa ➤ A person pending adjustment of status who presents appropriate documentation to the department shall be granted a one-year extension of his driver's license which is renewable annually ➤ Redefines residency to expand list of eligible immigrants to include all lawfully present immigrants. 	Signed into law.
	H 4382	Provides that license expires with student or work visa.	Bill is dead.
	H 4601	Makes refugees eligible for DLs.	Bill is dead.
	H 4711	Expands list of immigrants eligible for licenses to include LPRs, immigrants with employment authorization, immigrants with proof that their green card application is pending, and immigrants with temporary resident cards.	Bill is dead.
	S 1002	Expands list of eligible immigrants to include those with I-94.	Bill is dead.
	H 4773	Would make students, workers, and visitors who own property eligible for license.	Bill is dead.
	H 4681	Provides that license is only valid for 1 year for immigrants on fiancé visa with SSNs.	Bill is dead.
TN	SB 3139/ HB 3186	<ul style="list-style-type: none"> ➤ If applicant does not have a SSN, he or she must submit an original or certified copy of either: (1) A birth certificate issued by Tennessee, another state, or a U.S. possession, territory, or commonwealth; or (2) INS documentation authorizing the applicant to be in the U.S. ➤ Applicants who need interpreter must provide his or her own. ➤ Immigrants ineligible for SSNs will have "non provided" in red letters on their license where SSN would be. ➤ Immigrants who do produce SSN will have phrase "for driving purposes only" in red letters on face of the license. ➤ Immigrants unable to demonstrate proof of lawful presence would be granted licenses that expire in 1 year. Licenses are currently valid for 5 years. ➤ Immigrants without SSNs or who are unable to prove they are in the U.S. legally are prohibited from obtaining state's photo ID licenses. 	Bill is dead
	SB 1999/HB 2029	<ul style="list-style-type: none"> ➤ Would impose SSN requirement. 	Bill is dead

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
TN cont.	Agency Policy	<ul style="list-style-type: none"> ➤ To get a state ID card, if a SSN is not provided, the applicant must fill out an affidavit that he or she has never been issued one and present one of the following: (1) A birth certificate issued by Tennessee, another state, or a U.S. possession, territory, or commonwealth; or (2) documentation issued by the INS acceptable to the Department. ➤ To get a license, if a person does not provide a SSN, he or she must fill out an affidavit that he or she has never been issued one, and the driver license will include the words "NONE PROVIDED." 	
TX	Proposed rule (Dept. Public Safety)	<ul style="list-style-type: none"> ➤ Restricts forms of acceptable ID, both stand-alone and supporting. Eliminates I-94 for refugees and expired student visas as stand-alone ID, as well as photo ID from other states. Requires primarily unexpired documents. ➤ Tightens documentation requirement; applicants must present either 1 form of "primary" ID, OR 1 form of "secondary" ID and 2 forms of "supporting" ID, OR 2 forms of "secondary" ID. 	Withdrawn. DPS is waiting for AAMVA standards.
	Proposed rule (Dept. Public Safety)	<ul style="list-style-type: none"> ➤ Would allow an affidavit for those who have "not applied for, been issued or assigned a social security number." 	Open for public comment.
	HB 396 (former)	Creates alternative ID documents when applicant not eligible for SSN—includes SSA letters, ITINS, affidavits, passports, federal ID card, foreign work permit, foreign birth certificate, etc.	Passed easily by legislature but vetoed by governor. Will likely be re-introduced during next session (January 2003), and has good chance of gaining governor's approval.
VT	SB298	Provides that DL expires with visa.	Immigrant provisions stripped from bill that passed Senate.
VA	HB 638/ SB 162	<ul style="list-style-type: none"> ➤ Provides that only Virginia residents may get DLs, commercial DLs, temporary driver's permit, learner's permit, motorcycle learner's permit, or special ID cards. ➤ No person can establish state residency with only immigrant visa or signed written statement. ➤ DMV commissioner has authority to establish what "evidence" of Virginia residency will be required. ➤ Commissioner must report back to the House and Senate transportation committees by 12/1/02, regarding "need for further modification or enhancement to the identity and residency requirements," including "the advisability of imposing a legal presence requirement for the issuance and continued possession of such DMV documents." ➤ Commissioner also charged with reporting back on changes in federal laws that may impose uniform standards on states. 	Signed into law.
	SB 62	<ul style="list-style-type: none"> ➤ Beginning 1/1/02, all applicants for identity document, DL, or commercial DL must submit thumbprint or other biometric identifier determined by motor vehicle commissioner. ➤ Biometric identifier will be on face of license. 	Bill is dead.
	HB 798	Noncitizens required to submit to computerized scan of finger image at DMV. DMV shall implement system using reasonably available technology to carry out this provision.	Signed into law, but won't be implemented because VA lacks funds.

STATE	BILL NO./ EXEC. ORDER	SUMMARY	STATUS/COMMENTS
VA cont.	HB 637	<ul style="list-style-type: none"> ➤ Authorizes Registry and state police to exchange information with each other, and with federal law enforcement agencies. ➤ Registry and state police shall participate in any federal programs that seek to monitor status of immigrants ➤ Provisions of the act will not become effective unless reenacted by 2003 regular session of general assembly. 	Signed into law.
WA	HB 2420	Requires lawful presence in U.S.	Bill is dead.
WY	HB 153	➤ Allows ITIN for those ineligible for a SSN.	Bill is dead.

STATE DRIVER'S LICENSE REQUIREMENTS

This table is current as of November 6, 2002. Information was compiled by the American Immigration Lawyers Association, the National Council of La Raza, the National Employment Law Project, and the National Immigration Law Center, from statutes and information provided by state advocates. Note that the documents used to prove age and identity may have changed. For corrections or additions to table, contact Tyler Moran at moran@nilc.org.

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
AL	YES	YES	Original Social Security card and one of following: certified birth certificate (required for applicants age 15 and under); certified school record (must be on school letterhead stationery signed by custodian of records); valid DL from another state; armed forces ID card; and passport.	
AK	YES (w/exception)	NO	Original or certified copy of U.S. or Canadian birth certificate; passport issued by U.S. or Canada; Alaska learner's permit or other state-issued permit with photo; ID card issued by state DMV office or Canadian DMV; military ID for active duty, retiree, or reservist; photographic employee ID card; Social Security card (if number has been assigned to applicant, it is required on application); military ID for dependent; passport; pilot's license; marriage license; and certificate and other evidence of comparable validity approved by DMV supervisor.	SSN required, if assigned to applicant.
AZ	YES (w/exception)	YES	Applicants must submit two forms of ID. One must be from the primary list. Primary documents (must include DOB): birth certificate, U.S. certificate of birth abroad; U.S. passport; foreign passport with U.S. visa; I-94; Resident Alien card; INS Employment Authorization card; U.S. Certificate of Naturalization; U.S. Certificate of Citizenship; DL issued in any state in the U.S.; Arizona ID card; instruction permit issued in any state in the U.S.; certified letter of identification for a ward of the court, issued by a court or government agency in the U.S.; affidavit of identification (with photo and within 15 days of being issued) from Arizona Dept. of Corrections, a county detention facility, or a probation office in Arizona; tribal certificate of Indian blood; tribal or Bureau of Indian Affairs affidavit of birth; U.S. Military DD-214; or U.S. military ID card. Secondary documents: U.S. military dependent ID card; U.S. armed forced DL; Social Security card; international DL or permit; motor vehicle record or clearance letter (within 30 days of being issued); Legal Guardian affidavit; Selective Service card; W-2 form; Veterans Administration card; concealed weapons permit; medical insurance ID card; professional license; bank card; credit card; employee ID badge; school ID; marriage certificate issued in any state, territory, or possession of the U.S.; and documents from court of record: divorce decree, adoption decree, name change decree, bankruptcy decree, and emancipation decree.	SSN required, if assigned to applicant. Must submit sworn affidavit if no SSN.
AR	YES (w/exception)	YES	Applicant must have either AR photo DL/ID, or 2 primary documents, or 1 primary and 1 secondary document. Primary documents: Photo DL (cannot be expired more than 1 year); certificate of birth (U.S. or Canadian-issued. Must be original or certified copy, have a raised seal, and be issued by bureau of vital statistics or state board of health. Hospital-issued certificates are acceptable); Certificate of Naturalization (N-550, N-570, or N-578); Certificate of Citizenship (N-560, N-561, or N-645); American Indian card (I-551) (tribal card not acceptable); Resident Alien card (I-151, I-551, AR-3, AR-3A, or AR-103); court order (must contain full name, DOB, and court seal. Examples include adoption document, name change document, or gender change document. Does not include abstract of criminal or civil conviction); military ID with photo; valid passport (if foreign, appropriate INS document also required); Selective Service card; and armed forces discharge papers. Secondary documents: Photo AR Medicaid card; out-of-state Medicaid card; photo work/school ID; Social Security card; vehicle registration/title; BIA card/treaty card; marriage license; health insurance card; IRS/state tax forms; court order without DOB; medical records; concealed handgun license; certified school transcript; pilot's license; parent affidavit; court records; and prison release document.	➤ SSN required, if assigned to applicant. ➤ Applicants must register with Selective Service.
CA	YES (w/exception)	YES	Documents include, but are not limited to U.S. birth certificate; U.S. passport; Resident/Temporary Resident cards; Mexican Border Crossing card; valid I-94 stamped "refugee," "parolee," or "asylee"; and IJ order granting asylum. Proof that applicant's lawful presence is authorized under federal law. DMV verifies the applicant's immigration status through the SAVE system.	➤ Case law: persons whose presence is authorized by federal law but are ineligible for an SSN are entitled to DMV documents if otherwise qualified. ➤ DMV verifies an immigrant's status through the SAVE system.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
CO	YES (w/exception)	YES	Certified state or county birth certificate; U.S. certificate of birth abroad; previous DL or ID card expired less than one year; valid passport; valid military ID card; valid military separation (DD214); Native American Tribal ID card; Resident Alien ID card; naturalization certificate; and foreign passport with I-94 visa (no border crossing cards or visa marked BI, B@, W/T, W/B, C/P or N/C).	<ul style="list-style-type: none"> ➤ May submit sworn affidavit if no SSN. ➤ Applicants must register with Selective Service.
CT	YES (w/exception)	YES	<p>Primary documents: certified birth certificate or registration of birth; Connecticut non-driver ID card if original issue date is Oct. 1, 1997, or later; valid passport, U.S. or Canadian (if foreign passport, appropriate INS documents also required); military ID or dependent card with photo; military discharge/separation papers; Connecticut pistol permit with photo; and certified adoption papers and INS documents (must be a valid unexpired document).</p> <p>Secondary documents: expired U.S./U.S. Territory or Canadian photo DL; court order (must contain full name, DOB, and court seal. Examples include adoption document, name change document, gender change document, etc. Does not include abstract of criminal or civil conviction); foreign birth certificate (must be translated by approved translator); marriage license (certified copy only); parent/guardian affidavit (parent/guardian must appear in person, prove his/her identity, and submit a certified/notarized affidavit regarding the child's identity. This applies only to minors); pilot's license; school record/transcript (must be certified); Social Security card (laminated or metal cards are not acceptable); Connecticut State Dept. of Social Services (DSS)-issued photo public assistance card; prison release document, expired passport; baptismal certificate or similar document; divorce decree; employee ID from state or federal government with signature and photo and/or physical description with or without DOB; and INS documents (must be a valid unexpired document).</p>	SSNs required for new applicants only.
DE	YES (w/exception)	YES (See comments)	<p>Must submit one primary document and one secondary document.</p> <p>Primary documents: Photo DL; state/province/territory-issued photo ID; certified copy of DL or ID; U.S. birth certificate; certain INS documents, including: Certificate of Naturalization (N-550, N570, or N-578), Certificate of Citizenship (N-560, N-561, or N-645), Northern Mariana Card (I-551), American Indian Card (I-551), U.S. Citizen Identification Card (I-179 or I-197), Resident Alien Card (I-151, I-551, AR-3, or AR-103), Temporary Resident Identification Card (K-688), Non-resident Alien Canadian Border Crossing Card (I-185 or I-586), Record of Arrival and Departure (in a valid Foreign Passport) (I-94 or I-94W visa waiver program), Record of Arrival and Departure w/attached photo stamped "Temporary Proof of Lawful Permanent Resident" (I-94), Processed for I-551 stamp (in a valid Foreign Passport), Permanent Resident Re-entry Permit (I-327), Refugee Travel Document (I-571), Employment Authorization Card (I-688A, I-688B, I-766), Canadian immigration record; court order; U.S. military ID; U.S. passport; or foreign passport with INS documentation.</p> <p>Secondary documents: All Primary Documents may be used as a secondary document; Driver's license/ID card, expired more than one year; Court order that does not contain the applicant's date of birth; Employer ID card; Health insurance card, i.e., Blue Cross/Blue Shield, Kaiser, HMO; IRS/State tax forms; Marriage certificate/license; Medical records from doctor/hospital; Military dependent ID; Military discharge/separation papers; Gun permit; Pilot's license; School record/transcript (Must be certified); Social security card (Metal card is NOT acceptable); Social insurance card (for Canadian residents only); Student ID Card (Must contain photo); Vehicle title (Vehicle registration NOT acceptable); Welfare card; Prison release document.</p>	<ul style="list-style-type: none"> ➤ SSN required if assigned to applicant. ➤ The Division of Motor Vehicles (DMV) issued emergency regulations in March 2002 that requires applicants for a license or ID card to demonstrate lawful presence. ➤ The ACLU sent a letter to the DMV in October 2002 asking the agency to stop enforcing the regulations because they are no longer valid (the regulations were effective for 120 days and renewable for 60 days).
DC	YES	YES	<p>Applicants must have one of these documents: state-certified U.S. birth certificate or birth registration card; DC DL, learner's permit, or non-driver's ID card, which has not been expired for more than five years; DL, learner's permit, or non-driver's ID issued by another U.S. state or jurisdiction, which has not been expired for more than one year; or U.S. passport, which has not been expired for more than one year.</p> <p>If applicants do not have any of the above, they must have two of the following, with one of the documents bearing DOB: certified copy of high school records from a U.S. jurisdiction or territory; valid Extension for Exchange Visitor Status form (IAP66), U.S. military discharge papers (DD-214), U.S. military ID; health insurance card or policy stating applicant's full name, DOB, and Social Security number; valid college or university photo ID; or original certified marriage certificate.</p> <p>"International guests" must provide: employment authorization card, resident alien card, certificate of naturalization or citizenship, or valid foreign passport with non-immigrant visa.</p>	<ul style="list-style-type: none"> ➤ DLs issued to residents of U.S. for at least 6 months with proper ID.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
FL	YES (w/exception)	YES	A DL record or ID card record from another jurisdiction that required applicant to submit document for ID which is substantially similar to a document required in FL; U.S. birth certificate; valid U.S. passport; alien registration receipt card (green card); employment authorization card issued by the U.S. Dept. of Justice; and proof of nonimmigrant classification provided by U.S. Dept. of Justice, for an original ID card (in order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents: (1) notice of hearing from an immigration court scheduling hearing on any proceeding; (2) notice from the Board of Immigration Appeals acknowledging pendency of an appeal; (3) notice of approval of application for adjustment of status issued by the INS; (4) any official documentation confirming the filing of a petition for asylum status or any other relief issued by the INS; (5) notice of action transferring any pending matter from another jurisdiction to FL, issued by the INS; or (6) order of an immigration judge or Immigration officer granting any relief that authorizes the alien to live and work in the U.S. including, but not limited to asylum).	<ul style="list-style-type: none"> ➤ SSN required if assigned to applicant. ➤ Applicants must register with Selective Service. ➤ License expired with visa or immigration document. ➤ Noncitizens must renew license and change of address in person.
GA	NO	YES	Original birth certificate; certificate of birth registration; certified copy of birth certificate; certified copy of court records (adoption, name, or sex change); certified naturalization documentation; immigration ID card; and valid passport.	<ul style="list-style-type: none"> ➤ Advocates report that GA does verify immigration status. GA statutes 40-5-1; 40-5-20; and 40-5-28. ➤ Agency website says applicants must submit "Valid INS document" or be represented by a Refugee Resettlement Agency.
HI	YES	NO	Birth certificate; military ID; and "other supportive documents."	Applicants must register with Selective Service.
ID	YES (w/exception)	YES (if not issued an SSN)	<p>Primary documents: State DL or ID card not expired more than one year (with photo); Idaho DL or ID card not expired more than five years; certified original or abstract birth certificate; valid INS card; U.S. military photo ID card; valid passport with U.S. visa; Idaho concealed weapons permit not expired more than one year; pilot's license (with photo) not expired more than one year; Veterans Universal Access card (with photo); and Native American Tribal Photo ID card.</p> <p>Secondary documents: U.S. military discharge paper (form # DD214); certified marriage certificate with seal and document number showing that it was recorded; certified divorce document from a court or State Vital Statistics; naturalization/citizenship document; guardianship or custody documents (notarized or court certified); certified court name-change document; school transcript; home school document; junior or senior high school photo activity card (not college or university); school, college, or military yearbook/annual; printed photo directory of a religious organization; newspaper clipping with photo and name (if applicant can be identified in photo); unexpired Salt Lake City Mexican Consulate-issued photo ID card and valid for five years from date of issue; and state DL or ID card with photo expired for more than one year.</p>	<ul style="list-style-type: none"> ➤ If no SSN, the applicant must: <ul style="list-style-type: none"> 1) present written verification from the SSA that the applicant has not been assigned an SSN; 2) submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the U.S.; and 3) submit such proof as dept. may require that applicant is lawfully present in the U.S. ➤ Applicants with a non-U.S. DL or ID card may be required to provide additional documents.
IL	YES (w/exception)	NO	New applicants must present one document from each of the four categories listed. See http://www.sos.state.il.us/departments/drivers/acceptable_id.html for list.	<ul style="list-style-type: none"> ➤ At discretion of Secretary of State, tax ID number may be substituted for SSN in case of religious objections. ➤ International DLs not recognized. ➤ Applicants must register with Selective Service.

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IN	YES (w/exception)	YES (see comments)	<p>Applicants must provide four forms of identification.</p> <p>Primary documents (1 required): U.S. birth certificate with stamp or seal issued from: county dept. or county board of health vital records/statistics division from the applicant's state of birth; state dept. or state board of health vital records/statistics division from the applicant's state of birth; U.S. State Dept.; U.S. Territories (American Samoa, Guam, Puerto Rico, and Virgin Islands) (translation may be required); or valid U.S. passport. Acceptable INS documentation includes valid foreign passport with visa that includes valid I-94 in passport indicating duration of stay in the U.S. (because Canadians are not required to have a visa in their passports when entering the U.S., they are exempt from this requirement); Certificate of Naturalization/Citizenship; Employment Authorization card I-688B; Employment Authorization card I-766; I-94 stamped with "Section 207" Refugee Status; I-94 stamped with "Section 208" Asylum Status; Permanent Resident card I-551; Temporary I-551 stamp; Temporary Resident card I-688; Re-Entry Permit I-327; Refugee Travel Document I-571; and other INS documentation subject to BMV Driver Services approval. NOTE: Out-of-country licenses no longer accepted as ID or proof of driving experience.</p> <p>Secondary documentation (1 required): certified academic transcript; confirmation of registration letter from an educational institution; consulate-issued ID card; government-issued license or ID card; IN County Pre-sentence Investigation Report with clerk stamp or seal; Indiana gun permit (valid); Indiana professional license (valid); Indiana vehicle title or registration (valid); ITIN card/letter; letter from probation officer on letterhead stationery, certified with stamp or seal with applicant's name, and signature of probation officer; major credit or bank card (MC, VISA, AE, and Discover ONLY) (valid); Medicare or Medicaid card; original out-of-state driving record, out-of-state DL, ID card, or permit with photo; paycheck stub (computer-generated with name and SSN); prison release papers; school report card (dated within 12 mos.); school photo ID card; U.S. Divorce Decree certified by court of law with stamp or seal; U.S. Application of Marriage/Record of Marriage (certified copy; must contain stamped seal and be signed by the clerk); U.S. District Court Pre-sentence Investigation Report with clerk stamp or seal; U.S. military discharge or DD214 separation papers; U.S. military/Merchant Marines photo ID; or WV-2 form (federal or state).</p> <p>Proof of IN residency (1 required): any document from the list of "primary documents" or "secondary documentation" may be used as proof of IN residency as long as document contains applicant's name and residential address. For purposes of this policy, a post office box is not an acceptable residential address. Examples of proof of residency include, but are NOT limited to the following: Child Support Check from FSSA with name and address of the applicant attached; Change of Address Confirmation form (CNLI07) from U.S. Postal Service listing old and new address; CURRENT bill, or benefit or bank statement (within 60 days of issuance); IN DL, ID card, or permit with photo; IN Property Deed or Tax Assessment; IN Surveyor Report; IN Residency Affidavit; and voter registration card.</p> <p>SSN (1 required): for issuance of new DL or permit, applicant MUST provide proof of his/her SSN. If applicant's SSN is already listed on the BMV file, only verbal verification is required. Metal or plastic "replicas" of a Social Security card not accepted. SSN verification: Social Security card; NUMI Report (stamped and issued from SSA office in Baltimore, MD, in applicant's name). Verification of SSN: letter signed and stamped from an IN SSA district office in applicant's name; and BMV Social Security Affidavit (only to be used by applicant attesting that he/she has never been issued SSN).</p>	<p>➤ Lawful presence and SSN requirement implemented administratively on July 15, 2002. Affidavit may be accepted from applicants who have never been issued an SSN. Class action suit challenges that rule was implemented without going through rulemaking process.</p> <p>➤ An applicant submitting VALID INS documentation who does not already have a valid license from another U.S. state or U.S. territory must start with an IN learner's permit. The applicant must hold the permit for a period of at least sixty (60) days before being eligible to apply for an IN DL.</p>

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IA	YES	YES	<p>Primary documents: Photo DL or a certified copy of a DL that is valid or has not been expired more than one year; photo ID card or certified copy of the card issued from the same state agency that issues DLs and has not been expired more than one year (some states excepted); original or certified copy of U.S. or Canadian birth certificate that has raised seal and is government-issued (hospital birth certificate is not acceptable); INS document; court order containing the applicant's full name, DOB, and court seal (this does not include an abstract); military ID card (not including dependent ID card); valid U.S. or Canadian passport or foreign passport with appropriate INS document; and ID card issued by Canadian Dept. of Indian Affairs (U.S. Bureau of Indian Affairs or tribal ID cards not acceptable).</p> <p>Secondary documents: Any primary document; Bureau of Indian Affairs card; photo DL or photo ID card expired one year or more; court order that does not contain the applicant's DOB but does have full name; foreign birth certificate translated by approved translator; military discharge or separation papers (DD214); military dependent ID card; employer ID card; health insurance card; IRS or state tax document completed by the governmental agency (W-2, 1040, 1040A, 1040EZ, and related forms completed by taxpayer not acceptable); marriage license or certificate; medical records from doctor or hospital, original or authenticated; gun permit; pilot's license; certified school record or transcript; Social Security card issued by the SSA (metal version of card not acceptable); Canadian Social Insurance card; photo student ID card; vehicle certificate of title (vehicle registration not acceptable); voter registration card; welfare card; prison release document; and certified or notarized affidavit identifying minor child that is personally provided by child's parent or guardian (parent or guardian must provide acceptable proof of his/her identity).</p>	<p>➤ Under administratively implemented rule, DL personnel will ask any person applying for DL or nondriver ID card if he/she is a U.S. citizen. If person is a foreign national who is temporarily present in the country, the term of license or nondriver ID card will be limited to the period of time the foreign national is authorized to remain in the U.S., but not to exceed two years.</p> <p>➤ Applicants who are temporary foreign nationals may have the SSN requirement waived.</p>
KS	NO	YES	<p>Primary documents: certified birth certificate; hospital birth certificate for instruction or farm permit only when accompanied by a parent or legal guardian; U.S. passport; U.S. military ID, DD 214; Bureau of Indian Affairs Tribal ID card; certified order of adoption; certificate of naturalization with intact photo; photo DL issued by a U.S. state (if expired over 5 years, additional documentation required); photo ID issued by a U.S. state (if expired, additional documentation required); valid foreign passport with I-94 or valid "Processed for I-551" stamp; I-94 with refugee status (passport not required); valid I-551 INS Resident Alien/Permanent Resident card; NO Border Crosser cards; valid I-688 (photo Temporary Resident) and I-688A, I-688B, and I-766 (Employment Authorization with photo); and valid U.S. military ID (dependent).</p> <p>Secondary documents: certified marriage certificate, U.S., city, county, state, or foreign-issued (translation may be required), NO church documents allowed; certified divorce decree, U.S. or foreign, with official signature (translation may be required); certified court order of name change, U.S. or foreign, with official signature (translation may be required); common law certificate signed by both parties and notarized; valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); Bureau of Indian Affairs Tribal ID card; certified court order of adoption; photo DL or ID card issued by a U.S. state (if expired, additional documentation required); valid motor vehicle registration with signature; valid motor vehicle insurance card or policy; Selective Service card with signature; valid life insurance card or policy; valid health insurance card or policy; valid KS hunting or fishing license; vehicle title; diploma; professional license; KS welfare card with photo and signature; foreign DL (certified translation may be required); parole documents; baptismal certificate; medical records; KS voter registration card; church marriage certificate (not accepted to change name); photo DL issued by a U.S. state (if expired over 5 years, additional documentation required); photo ID issued by a U.S. state (if expired, additional documentation required); and foreign birth certificate.</p>	

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KY	YES (w/exception)	YES	<p>Motor Vehicles official states that requirements are not in writing, but that KY uses the AAMVA standards.</p> <p>➤ LPRs must present either an I-551, a form with a photo of the applicant, or a passport with a photo that is stamped by the INS as temporary evidence of lawful admission for permanent residence, with an expiration date and employment authorization indicated.</p>	<p>➤ Applicants without an SSN must provide:</p> <ol style="list-style-type: none"> 1. federal tax ID number, 2. letter from SSA declining to issue the person an SSN, or 3. notarized affidavit from the person to the Transportation Cabinet swearing that the person either does not have SSN, or refuses to divulge his or her SSN, based upon religious convictions. <p>Non-U.S. citizens with B1 or B2 "visitor" status will not be approved for a Kentucky license or ID card.</p> <p>➤ All non-U.S. citizens wishing to apply for an original, renewal, duplicate DL/ID card/instruction permit must be approved by a Division of Driver Licensing hearing officer.</p> <p>➤ License expires with visa, or four years, whichever is shorter.</p> <p>➤ Non-U.S. citizens may drive on their valid foreign license up to one year from date of admission into the U.S. if their home country is part of the Geneva Compact.</p> <p>➤ DLs issued by other states only accepted if person is U.S. citizen.</p>

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LA	YES (w/exception)	YES	<p>One primary and two secondary documents or two primary documents are required.</p> <p>Primary documents: certified copy of birth certificate (long form); original certificate of birth (does not have to have seal); birth registration card or certificate issued by a state or county bureau of vital statistics with raised agency seal; birth card (short form); foreign birth certificate with certified translation (foreign birth certificates must be accompanied by a passport and appropriately stamped Immigration documents); passport; Alien Registration card (I-551); Certificate of Naturalization; valid U.S. military ID card or draft record or military dependent ID card; current U.S. Coast Guard Merchant Mariner card; certification of birth abroad issued by U.S. Dept. of State; Native American tribal document; or Dept. of Public Safety & Corrections prison ID card containing photo, name, race, sex, and DOB.</p> <p>Secondary documents: out-of-state DL with photo which clearly identifies individual (an official copy of driving record from last state of issuance will be required when applicant has lost his/her out-of-state license. NOTE: any foreign DL must be accompanied by proper immigration documents (I-94, I-551)); Social Security card or official written documentation verifying SSN from the SSA; out-of-state photo ID card issued by a state motor vehicle dept.; student ID card for a LA college or university when accompanied by a 100% fee paid receipt for current semester; original documents of adoption papers; original high school, college, or university diploma; original (issued at time of ceremony) or certified copy of marriage license OR certificate marriage from a county, parish, or city in U.S. OR original or certified copy of divorce from a county, parish, or city in the U.S.; church baptismal certificate; LA voter registration card; certified deeds or title to property in LA, including burial plot deeds, registration, or certificate of title of vehicle in applicant's name; local utility statements showing name and address of individual applying OR receipt showing public utilities have been turned on (statements from a city other than the application city will not be accepted); insurance policy (health, home, life, auto); payroll stubs (must show applicant's SSN; cannot be handwritten stubs); resident card (Form I-688) or work authorization card (I-688B); school year book (provided picture clearly identifies applicant as same); Medicare/Medicaid card or medical eligibility card; prison release documents or letter from probation officer (denote a PEN number (SID) on fly sheet whenever possible); DD214 (military discharge papers); Selective Service notification to applicant at his address; certified copy of any professional degree, certificate, or license; school records OR at least two report cards from separate years; vehicle lien instrument; any government law enforcement officer's ID or badge, if in uniform, a police unit, etc. (does not include private security company guards); letter of verification/introduction from another state agency responsible for placement of deprived or handicapped persons (i.e., Blind Services); employment ID with photo provided photo clearly identifies applicant as same (IDs from major corporations, hospitals, governmental agencies, etc.); ID card issued by federal, state, or local government agency or entity provided it contains a photo which clearly identifies individual and information such as name, DOB, sex, height, and address; W-2 forms for two years; medical card (must be presented for issuance of duplicate CDL license, log book may be used as a secondary document on a CDL license); certificate from Dept. of Education for driver's education course completion; 6-Hour Pre-licensing Completion Certification; certificate from 36-hour pre-licensing course; or original "Refugee Resettlement Program" letter with color picture of applicant (the color picture will have the agency director's signature across it and a raised agency seal overlapping. This letter will be valid for 15 days from the issue date).</p>	<p>➤ If not eligible for SSN, must present official documentation from SSA verifying no SSN has been assigned or ineligible for SSN.</p> <p>➤ Foreign passports must be stamped and accompanied by I-94. Applicants with F-1 or F-2 status must furnish INS Form I-20 and fee bill from school in which they are currently enrolled. At least 180 days must be left on visa/I-94. Applicants with less than 180 days remaining shall be denied a LA license or ID card.</p> <p>➤ Noncitizens' license expires with their visa.</p> <p>➤ License includes a code, which indicates that bearer is a noncitizen ("nonresident alien") or noncitizen student.</p> <p>➤ Noncitizens must renew licenses in person.</p>
ME	YES (w/exception)	YES	DL; driver's permit; driver education card; Social Security card; passport; birth certificate; military ID card; citizenship papers; dependent ID card; divorce papers; certificate of marriage; baptismal records; court order; school records/transcript (certified); unemployment card; concealed weapons permit; and adoption papers.	

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
MD	NO	YES	<p>Primary sources (2 items are required): government-issued birth certificate or certified copy (U.S. or territorial); Social Security card; valid U.S. passport; valid U.S. military ID card or discharge record (DD214); MD DL; MD ID card; out-of-state DL (current or expired); out-of-state ID card (or expired); certificate of naming from religious institution such as baptismal certificate or synagogue; naming certificate issued during first year of life; certified school records; valid out-of-country passport (must include valid visas, as required); certificate of U.S. citizenship (INS Form N-560 or N-561); valid Alien Registration Receipt card (I-551); valid Employment Authorization card (I-688A or I-688B); Valid Employment Authorization document (I-766); valid Temporary Resident card (I-688); Certificate of Naturalization (INS Form N-550 or N-570); I-94 Arrival & Departure Record (refugee); out-of-country DL, with translation into English, if required (current or expired); international DL (current or expired); and U.S. government DL.</p> <p>Secondary sources: Selective Service card; pistol permit with photo or fingerprint; vehicle registration card or title; voter registration card; document prepared by government agency, which contains applicant's name and signature; utility or telephone bill (in applicant's name); checking or savings account statement; life insurance card or policy (over 3 years old); property tax bill or receipt; mortgage account or proof of home ownership; residential rental contract; canceled check with imprinted name and address; marriage certificate; divorce decree; and retail sales/financial institution sales agreement.</p>	
MA	YES (w/exception)	NO	<p>Primary documents: current or expired U.S. or non-U.S. passport with photo and signature; current or expired MA firearms permit with photo, signature, and DOB; school yearbook with applicant's photo; certain INS documents; current or expired U.S. military ID with photo, signature, and DOB; current or expired U.S. marine merchant mariner card with photo, signature, and DOB; current MA learner's permit or ID card; expired MA license or ID (not expired for over 1 year); current or expired license (not expired for over 1 year) with photo, signature, and DOB issued by a state, territory, or possession of U.S., D.C., a province of Canada, or a state of Mexico or the federal district of Mexico City; original birth certificate issued by U.S. or one of its territories; certified or attested copy of court order of a federal, state, or county court within U.S. that contains a raised court seal and includes applicant's full name and DOB; original or certified copy of baptismal certificate, provided that certificate was issued within year of the applicant's birth and in U.S.; and original letter issued by principal, headmaster, or official keeper of records of MA school that indicates applicant is currently resident student that includes applicant's name and DOB.</p> <p>Secondary documents: home mortgage, lease, or loan papers with applicant's name and signature; life insurance papers with applicant's name, signature, and date of signing; U.S. military discharge papers with applicant's name and signature; notarized copy of completed income tax return filed with IRS or a state revenue dept.; bank passbook, bank checkbook, or statement with applicant's name and address that has been open for 6 months; original or certified copy of divorce decree; original or certified copy of marriage certificate; original or certified copy of non-U.S. birth certificate; current or expired ID (not expired more than one year) with photo and applicant's signature issued by a U.S. agency, D.C., a state, a municipality, a territory, a possession of the U.S., a province in Canada or a state in Mexico, including the Federal District of Mexico City; Bureau of Indian Affairs treaty card; utility bill (not more than 60 days old), or property tax or excise tax bill for current or immediate prior year, containing applicant's name and address; cancelled bank check with pre-printed address and dated not more than 60 days earlier; original MA Dept. of Correction discharge or release certificate; current or expired non-U.S. license with applicant's signature; and tuition bill or loan coupons with applicant's current address, or an original school transcript with name and address.</p>	<p>➤ If applicant does not have SSN, can present written denial from SSA explaining why he or she isn't eligible for SSN. Denial letter cannot contain an unacceptable visa class code and cannot indicate that SSA could not determine status (i.e., include the words "no status"). Unacceptable visa classes: B-1, B-2, C-1, C-2, C-3, D, NATO, W-B, W-T.</p> <p>➤ While statute doesn't require lawful presence, documentation requirements create an ad hoc lawful presence requirement.</p> <p>➤ Applicants renewing or applying for DL have their SSNs verified electronically with SSA.</p> <p>➤ Non-English documents must be translated.</p> <p>➤ International licenses from designated countries valid for one year.</p>
MI	YES (w/exception)	NO	<p>Must present three documents. At least one must be from primary list.</p> <p>Primary documents: U.S. birth certificate; U.S. military ID card; U.S. military dependent ID card; out-of-state or Canadian DL with photo; U.S. or Canadian passport; Alien Registration card (I-551); Employment Authorization documents; passport with English translation.</p> <p>Secondary documents: DL from another country with translation into English; birth certificate; marriage license or divorce decree from another country with translation into English; U.S. Dept. of State nonimmigrant visa; title or registration from MI or another state; marriage license from MI or another state; divorce decree from MI or another state; order for name change from court within U.S.; photo ID card issued by MI government agency; certified birth certificate (for child) showing applicant as a parent; MI driver education certificate; non-photo out-of-state or Canadian DL; MI adoption record; school ID card with photo; school records, diploma, yearbook, etc from U.S. school, college, or university; and U.S. military discharge or separation documents.</p>	<p>➤ SSN not required if person is exempt from obtaining one or, for religious convictions, is exempt under law from disclosure of his or her SSN.</p> <p>➤ International license not accepted.</p> <p>➤ If a person cannot meet the identity requirements, then other forms of ID, including the Matricula Consular, are considered on case-by-case basis.</p>

ACRONYMS: DL: driver's license • DOB: date of birth • ID: identification • INS: Immigration and Naturalization Service • IRS: Internal Revenue Service • ITIN: Individual Tax Identification Number • SSA: Social Security Administration
SSN: Social Security number

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
MN	NO	YES	<p>Primary documents: MN state ID card. Otherwise, must present one of: valid unexpired passport from country other than U.S. or Canada with valid unexpired INS I-94 arrival form or I-551 stamp; unexpired Permanent Resident or Resident Alien card, I-551 or I-151, that is valid; Employment Authorization card with photo; Reentry Permit/Refugee Travel Document, I-571, AND one of the following: Social Security card; foreign birth certificate; certified secondary or post-secondary school transcript containing DOB and full legal name; or marriage certificate, etc.</p> <p>All documents must have English translation, and must be accompanied by certificate from translator swearing that translation is true and accurate. The translator must not be related to applicant by blood or marriage and must be accredited/certified.</p>	<ul style="list-style-type: none"> ➤ Law enforcement and court agencies have access to computer records through criminal justice computer network. Some other government agencies also have access to records to obtain or verify information needed to carry out their programs. ➤ Individuals concerned for their safety can file to have their driving and/or motor vehicle records classified as Private Data. Only subject of data and those specifically authorized by law are entitled to see data. ➤ Petition for Declaratory Judgment filed with Court of Appeals. ➤ Temporary licenses shall be issued to noncitizens whose visa expires in 60 days or less at time of application. ➤ License expires with visa, or in four years, whichever date occurs first. ➤ Temporary residents will have the words "Status Check" and visa expiration date on their state-issued cards. Proof of extended authorization to remain in U.S. will be required when authorization date indicated on a card expires.
MS	YES (w/exception)	YES	<p>Social Security card; certified copy of birth certificate; or proof of residency, AND two forms of ID from Primary or one (1) from Primary and one (1) from Secondary.</p> <p>Primary documents: DL (cannot be expired more than 6 months); certificate of birth (must be original or certified copy, have a raised seal and be issued by bureau of vital statistics or state board of health); state-issued ID card (cannot be expired more than 6 months); INS documents, with following exceptions (to be determined); court order (must contain full name and DOB. Examples include adoption document, name change documents, etc.); military ID; valid passport, U.S. or Canadian (if foreign, appropriate INS document also required); or state-issued learner's permit (cannot be expired more than six months).</p> <p>Secondary documents: Bureau of Indian Affairs card/Indian Treaty card (Tribal ID card is NOT acceptable); court order that does not contain DOB; employer ID card; foreign birth certificate (must be translated by approved translator); health insurance card; IRS/state tax forms (W-2 NOT acceptable); marriage certificate/license; medical records from doctor/hospital; military dependent ID; military discharge/separation papers; parent/guardian affidavit (must appear in person, prove she/he is the parent or guardian, and submit certified/notarized affidavit. Applies only to minors); photo gun permit; pilot's license; school record/transcript (must be certified); Social Security card (metal card is not acceptable); student ID card (must contain photo); vehicle title or vehicle registration; or voter registration card.</p>	Noncitizens who do not possess a <u>without</u> SSN may be issued a license that is valid for one year.
MO	YES (w/exception)	NO	<p>At least one of: Resident Alien card (I-551); Temporary Resident ID card (I-688); Record of Arrival and Departure in valid foreign passport (I-94); valid foreign passport containing I-551 stamp; U.S. Reentry Permit (I-327); Refugee Travel Document (I-571); Employment Authorization card; or Record of Arrival and Departure, stamped "Refugee" (I-94).</p> <p>And one of: INS documents listed previously which are expired one year or less; non-English language birth certificate; health insurance card; IRS/state tax form; marriage certificate/license; or medical records from doctor/hospital, etc.</p>	Applicants without SSN can sign affidavit stating that they do not have one.

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MT	YES (w/exception)	NO	<p>Primary documents: color photo DL or ID card, not expired for more than 4 years, issued by U.S. or Canadian jurisdiction; certified copy of birth certificate issued by U.S. or Canadian jurisdiction or by U.S. Dept. of State or U.S. embassy as report of birth abroad of U.S. citizen; unexpired passport issued by U.S. Dept. of State or Canadian government; valid unexpired passport issued by jurisdiction other than U.S. or Canada AND either attached I-94 or unexpired resident alien I-551 stamp; U.S. or Canadian-issued instruction, learner's driving permit or receipt of DL or permit, if current and contains photo of applicant and applicant's DOB; prison inmate ID card issued to applicant by MT Dept. of Corrections that contains a photo or digitized image of applicant and applicant's DOB; digital ID card issued to applicant by federally recognized Indian tribe whose reservation is located in MT, that contains a digitized image of applicant, applicant's DOB, and tribal enrollment number; emergency ID photo issued and certified by driver licensing authority of U.S. or Canadian jurisdiction that includes applicant's name and DOB; or one of following valid unexpired documents issued by INS: certificate of naturalization; certificate of citizenship; Northern Mariana card; American Indian card; U.S. citizen ID card; resident alien card; temporary resident ID card; U.S. reentry permit; refugee travel document; employment authorization card; or record of arrival and departure, stamped "refugee."</p> <p>Secondary documents: second primary document, original U.S. Social Security card or Canadian Social Insurance card; certified copy of marriage certificate or license issued by government jurisdiction; DL or ID card; current U.S. or Canadian government jurisdiction employee photo ID card; U.S. or Canadian DL or ID card that is current but does not have color photo; certified copy of court order or judgment from U.S. or Canadian court of competent jurisdiction containing applicant's full legal name and DOB; any INS document approved as primary document, but that is not expired more than one year; certified copy of birth certificate issued by jurisdiction other than by state, territory or possession of U.S., D.C., or Commonwealth or Puerto Rico or province or territory of Canada; certification of release of discharge issued by U.S. Dept. of Defense; Medicare, Medicaid, or health insurance card with applicant's name and applicant's individual Medicare, Medicaid, or health insurance ID number; unexpired color photo firearm or concealed weapon permit issued by chief of police in an organized, full-time police dept. or county sheriff in local jurisdiction within U.S.; current pilot's license issued by U.S. Dept. of Transportation, Federal Aviation Administration; certified copy of school records or transcript containing applicant's full name and preferably DOB and issued by elementary, secondary, or postsecondary school; certificate of completion of MT dept.-approved traffic or driver's education course containing applicant's name and DOB; current school photo ID card with student's name and student ID number; certified copy of fax or photocopy of certified copy of birth certificate of applicant's child, if certificate lists applicant's name and DOB as parent.</p>	<ul style="list-style-type: none"> ➤ Applicants who have religious objections are exempt from SSN requirement. ➤ If ineligible for SSN, letter from SSA must be submitted. ➤ Foreign passports are accepted as form of ID.
NE	YES (w/exception)	NO	<p>Primary documents: valid NE operator's license; valid NE learner's permit; valid NE school permit; valid operator's license from another state or jurisdiction of U.S.; certified birth certificate; certified birth registration; valid U.S. passport; valid U.S. military ID card; U.S. military discharge papers; other U.S.-based ID as approved by director, or information preserved in digital system implemented under section 60-484.01; valid immigration or alien registration papers such as: a) resident alien card (I-551) or b) Form I-94 (visas or Form I-151 cannot be accepted; valid I-688 temporary resident card containing name and DOB; valid I-688A employment authorization card (must have foreign passport accompanying it); valid I-688B employment authorization card; valid I-766 employment authorization document; letter from NE DHS showing refugee's name and DOB; and naturalization papers containing name and DOB and certificate of citizenship containing name and DOB.</p> <p>Secondary documents: original Social Security card; Medicare card that reflects SSN followed by letter "A"; certified marriage license containing name; certified divorce decree containing name; valid Mexican consulate card; valid NE Dept. of Correctional Service Released Inmate ID card; foreign certified birth certificate; foreign certified birth registration; foreign passport and foreign DL.</p>	<ul style="list-style-type: none"> ➤ Applicants must register with Selective Service. ➤ Applicants without SSN must provide a "valid INS I-94 document."
NV	YES (w/exception)	NO	<p>If applicant was born in U.S.: birth certificate issued by state or D.C. or other proof of DOB of applicant, including, but not limited to, DL issued by another state or D.C., or baptismal certificate and other proof that is determined to be necessary and is acceptable to dept.</p> <p>If applicant was born outside U.S.: Certificate of Citizenship, Certificate of Naturalization, Arrival-Departure Record, Alien Registration Receipt card, U.S. Citizen ID card, or Letter of Authorization issued by INS or Report of Birth Abroad of a U.S. Citizen Child issued by Dept. of State, DL issued by another state or D.C. or other proof acceptable to dept. other than passport issued by foreign government.</p>	<ul style="list-style-type: none"> ➤ SSN required if assigned to applicant. ➤ ID cards used as proof of identity are not accepted from Oregon, Utah, or Arizona (cards issued before 1996).

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
NJ	YES	YES	The following proofs are listed in descending order of importance: original U.S. civil birth certificate in English or U.S. Dept. of State birth certificate with U.S. consulate seal; certified copy of U.S. birth certificate; current or expired U.S. passport; valid foreign passport (with current, acceptable I-94 visa); valid U.S. alien registration card or valid work authorization card, combined with Social Security card, or a U.S. certificate of naturalization, U.S. citizenship papers, U.S. military ID card (active duty only; no dependent cards), or military discharge papers (DD-214); U.S. adoption papers with proof of lawful presence in U.S.; original legal name change papers; civil marriage or divorce documents or certified copy of same with proof of lawful presence in U.S. or any other document issued by U.S. that establishes applicant's proof of identity and DOB, and verifies that applicant's presence in U.S. is authorized under federal laws.	<ul style="list-style-type: none"> ➤ License expires with visa. ➤ Applicants from a foreign country whose visa status allows them in this country for less than a year must use their license from their home country for that period. ➤ Noncitizen visa holders (who are not lawful permanent residents) must go to Motor Vehicles Services yearly and provide documentation of their ongoing lawful status. ➤ NJ Motor Vehicles Services is currently utilizing the INS SAVE verification program for all immigrant applicants. Since only 4 customer service centers have this program available, all lawful permanent resident immigrant applicants must apply for licenses only at these centers.
NH	YES (w/exception)	NO	Valid permanent resident card issued by INS; valid I-94 departure card indicating refugee status; valid employment authorization card; and proof of application for permanent resident status.	<ul style="list-style-type: none"> ➤ SSN required for all new applicants. Not required for license renewals. ➤ Nonresidents living in NH on temporary basis to go to school or to work lawfully, or who are relatives of lawfully present person may be licensed. Term of license cannot exceed 5 years, and director may require a lesser term, as well as certified driving record from foreign country. ➤ Admin. rule implemented on Sept. 1, 2001, that requires all noncitizens to go to Concord to have documentation reviewed.
NM	YES (w/exception)	NO	Social Security card and one of the following: original birth certificate; certified copy of birth certificate; original church record; certified copy of church record; U.S. passport or foreign passport; Indian census card; current DL from another state or country; or I-797 INS approval notice.	<ul style="list-style-type: none"> ➤ Agency to establish by regulation documents that may be accepted as substitute for SSN. ➤ Lawful presence requirement not in statute, but agency interprets to require.

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
NY	YES (w/exception)	YES	Documents have varying degrees of value: foreign passport (in English with visa and valid I-94 or I-551); reentry permit; refugee travel document; valid Employment Authorization card; valid resident alien card; school ID; and public benefit cards, etc. See http://www.nydmv.state.ny.us/dlicense.htm for updated list.	<ul style="list-style-type: none"> ➤ If applicants not eligible for SSN they may present letter from SSA stating that they are ineligible for SSN. ➤ In addition to letter from SSA, applicant must present I-94 with one of following codes: B-1, B-2, E-2, F-2, H4, L-2, M-2, O-3, P-4, Q-3, R-2 or TD. In addition, I94 must have been issued for 1 or more years and must have 6 months or more of lawful status remaining.
NC	YES (w/exception)	NO	Certified or original birth certificate; Social Security card or other document with SSN and name; computer-generated tax document or payroll stub; financial statement from bank, insurance company, brokerage firm, etc.; government-issued documents such as U.S. military ID card; letter or computer printout from SSA; official school records signed by school officials, including report cards, driver education certificates, diplomas, driving eligibility certificates, or transcripts (school IDs are not acceptable); military service discharge (DD-214 or Cartilla Nacional) or military photo ID; unexpired, stamped photo passport from any country; tax records (except forms completed by individuals): W-2 forms, 1099 forms, property tax records, or quarterly tax payroll records; certified marriage license or certificate of marriage issued by government agency; Limited Driving Privilege (valid or expired); unexpired vehicle registration or certificate of title; authentic document from INS: alien registration receipt card, resident alien card, employment authorization card, temporary resident card, certification of U.S. citizenship (with photo), Certificate of Naturalization (with photo), OMB 3116-0008 Certificate of Eligibility for Exchange Visitors, OMB 1115-0051 Certificate of Eligibility for Nonimmigrant, I-797 Notice of Action or I-797C Notice of Action; Servicio Militar Nacional or military ID card issued by National Secretary of Defense of Mexico; Matricula Consular or Matricula issued by Secretary of the Exterior of Mexico; Credencial Para Votar or voter ID card issued by Instituto Federal Electoral of Mexico, Cedula (with photo); court order or divorce decree (any state).	Can provide ITIN if not eligible for SSN (not applicable to commercial licenses).
ND	YES (w/exception)	NO	Some acceptable forms of ID are: state-certified birth certificate; U.S. or Canadian passport; various INS documents; and out-of-state DL.	Applicants ineligible for SSN may present letter from SSA stating that they are ineligible.
OH	YES (w/exception)	NO	<p>Primary documents: DL from any state, with photo, current or expired not more than 6 months; birth certificate, either original or certified copy, with seal and issued by agency; appropriate governmental state-issued ID card from any state, with photo, current or expired not more than 6 months; INS documents which are original and valid; certified copy of court order containing full name and DOB; military ID with photo; valid passport, either U.S. or Canadian, with photo, or if passport from another country, accompanied by appropriate INS documents; and state-issued learner's permit from any state, with photo, current or expired not more than 6 months.</p> <p>Secondary documents: official Social Security card or number identification (numident) printout but not metal card; Bureau of Indian Affairs card or Indian treaty card but not tribal ID card; certified copy of court order with or without DOB; credit card; employer ID card with photo; foreign birth certificate accompanied by translation by approved translator if birth certificate not in English; health insurance card; IRS or state tax form issued by appropriate governmental agency (but no W-2 forms); marriage certificate or license; medical treatment records from doctor or hospital; military dependent ID with photo; military discharge separation papers; gun permit with photo; pilot's license; certified copy of school record or transcript; student ID card, with photo, issued by school or university; vehicle title (but no vehicle registrations); voter registration card (but no OH voter registration cards); and welfare card. If person who signs application does not provide ID as required by this rule, application shall not be accepted by registrar of motor vehicles or any registrar. Additional documentation may be required if above documentation provided is questionable.</p>	<ul style="list-style-type: none"> ➤ SSN required if assigned ➤ Licenses for temporary residents are not transferable to other states, may only be renewed with proof of lawful presence, and expire when the person's visa expires. ➤ Non-renewable licenses may not be used to obtain a driver's license in another state. ➤ Non-renewable licenses may contain security features as the registrar of DMV prescribes, including but not limited to listing the date the license expired and stating on the license the words, "nonrenewable and nontransferable." ➤ License expires with visa.

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OK	YES (w/exception)	YES	<p>Primary ID: OK ID card; state-issued birth certificate; county birth certificate; passport (exceptions: B-1, B-2, WB business person with no visa, tourist with no visa, C-1 alien in transit, C-2 alien in transit to the United Nations, C-3 foreign official, D-1 and D-2 crew members here for maximum of 29 days); court order showing full name and DOB; BIA ID card; alien registration card; I-94 card with passport; tribal ID cards; out-of-state DL; valid military ID card; valid military dependent ID card; citizenship naturalization documents issued by INS; reinstatement order for applicants who have an OK license on file; OK DL; and sealed hospital birth certificate.</p> <p>Secondary documents: any primary ID; OK student ID with photo; OK employer ID card; health insurance card; medical records from doctor or hospital; military discharge DD-214 except if stated "not to be used for ID"; original or certified copy of separation or divorce judgment; OK voter registration card; insurance policy (health, life, home, auto); original or certified copy of professional degree, certificate, or license; OK motor vehicle registration or title; Social Security card; medical eligibility card; original high school, college, or university diploma; for minors (under 18), parent or guardian may appear in person, show proof of identity and sign affidavit; official certified deeds of property in OK; gun permit; pilot's license; court order; and OK lifetime hunting or fishing license.</p>	<ul style="list-style-type: none"> ➤ Dept. of Public Safety will provide alternative method of testing for applicant who can only understand Spanish, subject to availability of funds. Dept. may limit the number of testing sites where examination is given. ➤ Per DL manual, all noncitizens must present valid DL and documentation that they are "in the United States for a legitimate purpose." ➤ SSN required if eligible.
OR	NO	NO	<p>Documentation must consist of at least 1 of the "proofs of age and identity" and at least 2 of the "proofs of identity."</p> <p>Proofs of age and identity include, but are not limited to original or certified copy of birth certificate (hospital birth certificates, hospital cards, birth registrations, and baptismal certificates are not accepted); military or armed forces ID card; military discharge papers; Selective Service registration card; passport; alien registration card; immigration or naturalization documents; adoption decree or adoption certificate issued by a court; valid OR, out-of-state, or Canadian DL, instruction permit, or ID card, unless marked as "Not Valid As ID"; clearance letter issued by another jurisdiction which includes applicant's name, DOB, and out-of-jurisdiction DL number; OR Dept. of Corrections or county corrections age and identity letter (this letter must include photo of applicant); OR Dept. of Corrections or County Corrections Inmate ID card; and Certificado de Matricula Consular (Mexican Consulate ID card).</p> <p>Proofs of identity include, but are not limited to student body ID card; Social Security card; marriage certificate or license; vehicle title or registration; company ID card; Liquor Control Service permit; pistol or firearms permit; personalized check/statement or savings account passbook; DL renewal reminder; voter registration card; property tax statement; WV-2 tax forms; medical or health card; Dept. of Corrections release letter; parent/guardian affidavit; parole papers; certified copy of school transcript; pilot's license; digital photo on file with DMV's new licensing system; and court papers or court orders, such as legal name changes issued by court of record.</p>	<p>DMV may request applicant to present additional documentary proof of age or identity if DMV has reason to question applicant's age or identity.</p>
PA	YES (w/exception)	YES	<p>Must present one document from list A and two forms from list B.</p> <p>List A: birth certificate with raised seal from U.S.; certificate of U.S. citizenship; certificate of naturalization, PA photo ID card; PA photo DL; valid U.S. passport; or U.S. military photo ID.</p> <p>List B: current utility bills; tax records; lease agreements; mortgage documents; WV-2 forms; or current weapons permit.</p> <p>Lawful permanent residents must present two documents from list B and one of the following: registration receipt card (INS Form I-551); valid passport stamped "I-551 approved"; or valid reentry permit (INS Form I-327).</p> <p>Nonimmigrants must present two documents from list B, valid passport, I-94, visa, and all original INS documents to verify person's status and length of stay in the U.S. If status is F-1 or F-2, must also show Form I-20 and written verification of attendance at school listed on the I-20. If status is H1-A, H1-B, H2-A, H-3, or H-4, must also provide written verification from employer. If status is J-1 or J-2, will need to provide Form IAP-66 and written verification of attendance at school listed on the IAP-66.</p> <p>Refugees must present one document from list B, I-94 stamped "refugee", Reception and Placement Program Assurance form, and written verification of identity and PA residency presented by an employee or a sponsoring organization approved by U.S. Dept. of State to resettle refugees in PA. If person does not have an approved sponsoring organization or is an asylee, must provide two documents from list B, an I-94 stamped "refugee/asylee," and an employment authorization document.</p>	<ul style="list-style-type: none"> ➤ Applicant must present ITIN in lieu of SSN if also have written documentation from SSA that applicant not eligible for SSN. ➤ Verification of lawful status by INS may be required before DL can be issued. ➤ Nonimmigrants granted entry for 1 year or less (or have less than 1 year left on their entry documents) not eligible for DL. ➤ Valid DLs from Canada, France, and Germany transfer to a PA DL. ➤ International DLs honored for 1 year.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE AND IDENTITY	COMMENTS/ EXCEPTIONS TO RULES
RI	YES (w/exception)	NO	<p>Must show identity document, a document with the person's signature, and proof of RI residency.</p> <p>Identity documents: original or certified copy of birth or baptismal certificate; U.S. or foreign passport (B-1, B-2 and expired passports not accepted); U.S. Naturalization Certificate; INS Form I-551; INS Form I-94; INS Form I-688, and INS Form I-688A.</p> <p>Document with signature: passport (B-1, B-2, and expired passports not accepted); Social Security card; work or school ID card; and any other important original document with signature.</p> <p>Proof of RI residency: valid voter registration card; utility bill in applicant's name or in name of an immediate family member with same last name; personal check with name and address (no P.O. box); bank statement with name and address (no P.O. box); valid original lease agreement with name and address; payroll check with name and address; welfare check stub or food stamp card with name and address; insurance policy for home or apartment with name and address; minors may submit school records or a parent's license or ID with same address; and property tax bill.</p>	Applicants without SSN must present an ITIN.
SC	YES (w/exception)	YES	<p>Non-U.S. citizens: I-551 with heading: Resident Alien card; I-551 with heading: Permanent Resident card; I-551 with heading: Registration Receipt card; I-94 with other documents; I-20 with other documents; written verification of current attendance in school; IAP-66 with other documents; written verification of current employment; I-688B, Employment Authorization document; I-766, Employment Authorization card; I-797, Notice of Action Form; I-539, Petition to Change or Extend Status; I-485, Petition to Adjust Status to Permanent Resident; Reception and Placement Program Assurance Form; passport stamped "I-551 approved"; passport showing extension of work visa by INS; passport showing extension of student visa by INS; and passport showing person is dependent of person on work or student visa.</p> <p>LPRs must have one of the following documents: I-551 with the heading: Resident Alien card; or I-551 with the heading: Permanent Resident card. Nonimmigrants (non-U.S. citizens granted temporary entry into U.S.) must have valid passport with visa or I-94.</p> <p>Refugees must have all of the following documents: I-94 stamped "Refugee"; Reception and Placement Program Assurance Form; and written verification of identity and SC residency presented by employee of sponsoring organization approved by U.S. Dept. of State to resettle refugees in SC. Refugees who don't have approved sponsoring organization and asylees must have I-94 stamped "Refugee/Asylee" or Employment Authorization document (INS Form I-688B and I-766).</p>	<p>➤ Must submit letter from SSA stating that applicant is not "an alien not allowed to work in the United States."</p> <p>➤ DL issued to person who is not LPR expires on later of: (1) expiration date of DL applicant's authorized period of stay in U.S.; or (2) expiration date of DL applicant's employment authorization document.</p> <p>➤ Noncitizens must use 1 of 16 offices to apply for license or ID card.</p>
SD	YES	YES	<p>Must include certified copy of U.S. birth certificate issued in or by city, county, or state; a tribal ID card that provides evidence that certified birth certificate issued by city, county, or state was used to obtain tribal ID card and is in a form and content acceptable to Dept. of Commerce and Regulation; naturalization and Immigration record authorizing applicant's presence in U.S.; or valid passport and one primary or secondary document.</p> <p>Primary documents: photo DL; ID card issued by U.S. state or Canadian province or territory; U.S. or Canadian certified birth certificate; Office of Vital Records certified court order containing individual's full name and DOB; tribal ID card, approved by Dept. of Commerce and Regulation; military ID (dependent, retiree, reserve or national guard, or active duty); passport with accompanying visa or I-94 document if required; "Record of No Record" from Dept. of Health Vital Statistics accompanied by secondary document indicating birth date; tribal ID card approved by Dept. of Commerce and Regulation; INS documents (Certificate of Naturalization; Certificate of Citizenship, U.S. Citizen ID card, Resident Alien card; Record of Arrival and Departure in valid foreign passport; Record of Arrival and Departure with attached photo stamped "Temporary Proof of Lawful Permanent Residence"; Record of Arrival and Departure in Certificate of Identity; Employment Authorization card; Record of Arrival and Departure stamped "Refugee", "Parolee", or "Asylee"; or Record of Arrival and Departure coded Section 207, 208, 209, 212d(5), HP, or PIP).</p> <p>Secondary documents: Social Security card; Bureau of Indian Affairs card/Indian Treaty card/birth certificate; foreign birth certificate; health insurance card; IRS/state tax forms; marriage certificate/license; military discharge/separation papers; city, federal, or state gun permit; pilot's license; school records/transcripts; student ID card; Canadian Social Insurance card; vehicle title/registration; welfare card; prison release document; military dependent and transition IDs; and valid Mexican Consular ID card.</p>	<p>➤ If barcode is placed on license, person's SSN, criminal information and blood type, medical condition, allergies, medications, or other medical alert data (if the licensee requests such information to be included) may be encoded in bar code.</p> <p>➤ License expires with visa.</p>

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TN	YES (w/exception)	NO	<p>Proof of identity: proof of name and DOB includes, but not limited to: original, certified birth certificate; license issued from another state or country; passport; and military ID. Additional types of ID may be used as supportive documentation, such as immigration forms and the Matricula Consular ID.</p> <p>Proof of residency: Must present 2 documents from list A or 1 from list A and 1 from list B:</p> <p>List A: current utility bill including telephone, electricity, water, gas, cable, etc.; current bank statement (not checks); current rental/mortgage contract or receipt including deed of sale for property; current employer verification including paycheck/check stub, work ID, or badge, etc.; current automobile, life, or health insurance policy (not wallet cards); current DL or ID issued by TN to parent, legal guardian, or spouse of applicant; current TN motor vehicle registration; current TN voter registration; current IRS tax reporting W-2 form; receipt for personal property or real estate taxes paid within past last year; in case of student enrolled in public or private school in TN, student may provide photo student ID and acceptable documentation that student lives on campus.</p> <p>List B: ITIN issued by IRS; Form I-94 issued to applicant by INS; Employment Authorization document (EAD) issued to applicant by INS; and I-551 issued to applicant by INS.</p>	<ul style="list-style-type: none"> ➤ If applicant does not provide SSN, must fill out affidavit that he or she has never been issued one, and DL will include the words "NONE PROVIDED." ➤ At least one DL testing center in East, Middle, and West TN will be set up to issue DLs to those without SSNs or INS documentation. ➤ To get state ID card, if SSN not provided, applicant must fill out affidavit that he or she has never been issued one and present one of following: (1) birth certificate issued by TN, another state, or a U.S. possession, territory, or commonwealth; or (2) documentation issued by INS acceptable to the Dept.
TX	YES (w/exception)	NO (see comments)	<p>Every applicant must present 1 piece of stand-alone ID, or 1 piece of documented ID, plus 1 or more pieces of support ID.</p> <p>Stand-alone documents: valid or expired TX DL or ID with photo; U.S. passport; U.S. citizenship (naturalization) certificate with identifiable photo; INS document with verified data and identifiable photo (exceptions are: Record of Arrival and Departure stamped "Refugee" (I-94), no photo required; or passports issued by foreign country with I-20 student certification with valid or expired visa); valid photo DL or photo ID issued by another (U.S.) state, Puerto Rico, D.C., or Canadian province; or, U.S. military ID card with identifiable photo.</p> <p>Documented identification: original or certified copy of birth certificate issued by appropriate state or Canadian province bureau of vital statistics or equivalent agency; original or certified copy of U.S. Dept. of State Certification of Birth (issued to U.S. citizens born abroad); or original or certified copy of court order with name and DOB (for applicants born before 1961, the following items would be acceptable in this category: original or certified copy of Form DD-214 or original or certified copy of other state or federal governmental record that states name and DOB such as U.S. census records or Social Security records).</p> <p>Supporting identification: public school records; infant baptismal records; insurance policy (at least 2 years old); vehicle title; home mortgage records; marriage license; 2 years of utility bills; children's birth certificates; library card; military records; award or certificate from educational institution; original or certified copy of marriage license or divorce decree; voter registration card; Social Security card; pilot's license; concealed handgun license; TX DL temporary receipt; foreign passport (with or without U.S. visa); or consular document issued by state or national government.</p>	<ul style="list-style-type: none"> ➤ If ineligible for SSN due to immigration status, required to obtain letter from SSA. Proposed rule would allow affidavit for those who have not applied for, been issued, or assigned SSN. ➤ Documentation proving identity requirement creates an ad hoc lawful presence requirement.
UT	YES (w/exception)	NO	<p>Primary forms of ID: certificate of naturalization; certificate of citizenship; delayed birth certificate; DL issued in U.S.; notarized foreign birth certificate; foreign passport with visa; I-94 card; Indian blood certificate; Matricula Consular ID; resident alien card; U.S. birth certificate; U.S. certificate of birth abroad; U.S. passport; and U.S. military ID.</p>	<p>If no SSN, must present letter from IRS verifying ITIN.</p>

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VT	NO	NO	<p>One primary document and one secondary document required.</p> <p>Primary documents: photo DL (cannot be expired more than 1 year); state/province/territory-issued photo ID card (cannot be expired more than 1 year); certified microfilm/copy of DL or ID card (cannot be expired more than 1 year); certificate of birth (U.S. or Canadian-issued; must be original or certified copy, have raised seal, and be issued by bureau of vital statistics or state board of health. Hospital-issued certificates and baptismal certificates NOT acceptable); Certificate of Naturalization (N-550, N-570, or N-578); Certificate of Citizenship (N-560, N-561, or N-645); Northern Mariana card (I-551); American Indian card (I-551); U.S. citizen ID card (I-179 or I-197); Resident Alien card (I-151, I-551, AR-DA, or AR-103); Temporary Resident ID card (K-688); Nonresident Alien Canadian Border Crossing card (I-185 or I-586); Record of Arrival and Departure (in valid foreign passport) (I-94 or I-94W visa waiver program); Record of Arrival and Departure with attached photo stamped "Temporary Proof of Lawful Permanent Residence" (I-94); Processed for I-551 stamp (in valid foreign passport); Permanent Resident Reentry Permit (I-327); Refugee Travel Document (I-571); Record of Arrival and Departure (in a Certificate of Identity) (I-94); Record of Arrival and Departure stamped "Refugee", "Parole, Parolee", or "Asylee" (I-94); Employment Authorization document (card; "EAD" INS Form I-766); Canadian Immigration Record and Visa or Record of Landing (IMM 1000); court order (must contain full name, DOB, and court seal. Examples include adoption document, name change document, gender document, etc.); military ID; valid passport, U. S. or Canadian (if foreign passport, appropriate INS document also required); state-issued photo learner's permit (out-of-state issued permit NOT acceptable. Cannot be expired more than 1 year. A learner's permit without photo is NOT acceptable UNLESS accompanied by primary document); and Canadian Dept. of Indian Affairs-issued ID card (Tribal-issued card NOT acceptable; U.S.-issued Dept. of Indian Affairs card also NOT acceptable).</p> <p>Secondary documents: all primary documents; Bureau of Indian Affairs card/Indian Treaty card (Tribal ID card NOT acceptable); DL/ID card, expired more than 1 year; court order that does not contain the applicant's DOB; employer ID card; foreign birth certificate (must be translated by approved translator); health insurance card (e.g., Blue Cross/Blue Shield, Kaiser, HMO); IRS/state tax forms (W-2 NOT acceptable); marriage certificate/license; medical records from doctor/hospital; military dependent ID; military discharge/separation papers; parent/guardian affidavit (parent/guardian must appear in person, prove his/her identity, and submit certified/notarized affidavit regarding child's identity. Applies only to minors); gun permit; pilot's license; school record/transcript (must be certified); Social Security card (metal card NOT acceptable); Social Insurance card (for Canadian residents only); student ID card (must contain photo); vehicle title (vehicle registration NOT acceptable); and welfare card or prison release document.</p>	

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VA	YES (w/exception)	YES	<p>Must present 2 ID documents and proof of VA residency. At least 1 document must be from the primary list.</p> <p>Primary documents: VA DMV-issued DL unexpired or expired less than 1 year; VA DMV-issued learner's/instruction permit unexpired or expired less than 1 year; VA DMV-issued photo ID card issued after Sept. 21, 2001, unexpired or expired for less than year; unexpired DL or learner's/instruction permit (with photo), not less than 60 days old, issued by U.S. state (other than VA), jurisdiction, or territory; birth certificate issued by U.S. state, jurisdiction, or territory (foreign birth certificates NOT accepted); unexpired photo ID card, not less than 60 days old, issued by U.S. state (other than Virginia), jurisdiction, or territory (school and employee ID cards NOT included); unexpired U.S. military ID card of active duty or retired member (ID cards of military dependents not acceptable as primary identity documents); unexpired U.S. passport; unexpired foreign passport with visa, I-94, or I-94W or I-551 stamp (an I-94W MUST be from a country participating in Visa Waiver Pilot Program); U.S. Certificate of Naturalization (Form N-550, N-570, or N-578); U.S. Certificate of Citizenship (Form N-560 or N-561); U.S. Citizen ID card (Form I-197); unexpired Temporary Resident card (Form I-688); unexpired Employment Authorization card (Form I-688A, I-688B, or I-766); unexpired Refugee Travel Document (Form I-571); unexpired Resident Alien card, Permanent Resident card, Northern Marianas card, or American Indian card (Form I-551); copy of first and last page of application for asylum, provided pages are accompanied by either receipt from INS showing application has been filed or documentation verifying application is pending in immigration court; documentation indicating decision to grant asylum by the Asylum Office or original document granting asylum issued by immigration judge or INS; Consular Report of Birth Abroad of a Citizen of the United States of America (Form FS-240); and Certification of Report of Birth Abroad of a Citizen of the U.S. (Form DS-1350).</p> <p>Secondary documents: U.S. Selective Service card; court order for adoption, name change, or gender change from U.S. state, jurisdiction, or territory (must contain court seal. Abstracts of criminal or civil convictions not acceptable); U.S. military discharge papers (Form DD214); certified copy of school records/transcript issued by U.S. state, jurisdiction, or territory or by state-accredited private school or VA Dept. of Education Certificate of Enrollment form (a report card is not acceptable); health insurance card or policy; life insurance policy; unexpired welfare/social services card issued by municipality; state-issued DL or learner's/instruction permit (other than VA), with photo, expired not more than 5 years; state-issued photo ID card (other than VA), expired not more than 5 years (school and employee ID cards are not included); U.S. passport (expired not more than five years); foreign passport (expired not more than 5 years, with visa, I-94 or I-94W or I-551 stamp. An I-94W must be from country participating in Visa Waiver Pilot Program); marriage license issued by U.S. state, jurisdiction, territory, or municipality; unexpired military dependent ID card, with photo; unexpired weapons or gun permit issued by federal, state, or municipal government; unexpired pilot's license; INS Form I-797 (applicable only for individuals whose names appear on the form); U.S. Dept. of State Form IAP-66 (applicable only for individuals whose names appear on form); and Veterans Universal Access ID card.</p> <p>Proof of residency: Payroll check stub issued within 2 months of application; VA voter registration card; U.S. IRS tax reporting W-2 form or 1099 form (not more than 18 months old); U.S. or VA income tax return from previous year; original monthly bank statement not more than 2 months old; cancelled check (not more than 2 months old) with both name and address imprinted; annual SSA statement for current or preceding calendar year, utility bill, not more than 2 months old, issued to applicant; receipt for personal property taxes or real estate taxes paid within last year to VA; current homeowners policy or bill; current automobile or life insurance bill (cards or policies not accepted); certified copy of school records/transcript from school in which applicant is currently enrolled, issued by U.S. state, jurisdiction, or territory or VA Dept. of Education Certificate of Enrollment form (a report card is not acceptable); VA DL, learner's permit, or DMV photo ID card; deed; mortgage; monthly mortgage statement or residential rental/lease agreement; postmarked U.S. mail with forwarding address label or change of address confirmation form from U.S. Postal Service; and active duty military member assigned to unit based in VA with proper documentation.</p>	<ul style="list-style-type: none"> ➤ If ineligible for SSN, required to obtain letter from SSA. ➤ I-94 is not accepted as proof of identity unless an unexpired foreign passport accompanies the form. ➤ Dept. of Motor Vehicles and state police will participate in any federal program to share data about immigrants. ➤ Applicants must register with Selective Service.

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WA	YES (if issued)	NO	<p>Must present one primary document OR one supporting document and two alternate documents OR a minimum of three alternate documents meeting the requirements listed below.</p> <p>Primary documents include valid, or recently expired, WA DL, instruction permit, or ID card containing signature, DOB, and photo of applicant; out-of-state DL, ID card, or photo ID, or DL from Canada or another foreign country (however, if primary document is an out-of-state DL, ID card or photo instruction permit, or a license from Canada or another foreign country, or a valid ID card issued by the U.S., a state, or an agency of either the U.S. or a state, of a kind commonly used to identify members or employees of the government agency that contains the signature and photo of applicant, this ID must be accompanied by one other primary document, or one supporting and one alternate document, or a minimum of two alternate documents); valid military ID card from branch of U.S. armed services; valid U.S. passport that contains signature and photo of individual; original INS form that contains signature and photo of individual (for example, the Border Crossing card I-186 is considered acceptable primary documentation. Other INS documents have limited acceptability); and parent or guardian identity signature (an applicant under 18 may establish identity by providing an affidavit from parent or guardian. Parent or guardian must accompany the person under 18 and provide at least one primary proof of identity and a separate document as evidence of the parent/guardian relationship. If the primary document is an out-of-state license, additional documentation will be required).</p> <p>Supporting documents include foreign country's passport with valid expiration date; federally recognized Indian tribe's enrollment card or U.S. Bureau of Indian Affairs ID card containing signature and photo of individual; verification letter produced by WA State Dept. of Corrections, U.S. federal correction authorities, DSHS, or King County Dept. of Adult Detention (staff will not accept letters from any other entity, law enforcement, public or private agency, or individual); WA city or county police employee ID card, containing signature and photo of individual.</p> <p>Alternate documents. To establish proof of identity using alternate documents, applicant must provide separate documents for at least three of the four following combinations: name and DOB (mandatory for any application); name and photo; name and signature; name and local mailing address.</p> <p>Other alternate documents include: local area business mail sent to applicant by utility, retailer, employer, or bank is acceptable as evidence of name and local mailing address (personal mail is unacceptable); employee ID cards, with name and photo of employee, issued in secure manner by employer where ID is integral part of security of the organization (prior to accepting any other employee ID card, an LSO supervisor will investigate, document, and file the security procedures of that employer to ensure it meets WA ID standards. Assistance may be requested from Technical Coordinator); authentic foreign documents are acceptable as proof of identity when DOL is satisfied with the document's origin, purpose, and content.</p>	Immigrants without primary or secondary documents may produce 3 documents with combination of name and photo, name and signature, name and address, and name and DOB. Foreign ID with photo given high reliability.
WV	YES (w/exception)	YES	Two proofs of ID: U.S. or Canadian DL or state ID; birth certificate (INS documents required if foreign-issued); military ID; or INS documents.	<ul style="list-style-type: none"> ➤ Must present original Social Security card; number without card not accepted. ➤ SSN requirement only applies to those who are eligible for SSN. ➤ There is not an explicit lawful presence requirement, but foreign-issued documents must be accompanied by INS documents. ➤ If individual presents foreign birth certificate or passport, it must be translated and applicant must also provide INS documents, including I-551, employment authorization, or I-94.

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WI	YES (w/exception)	NO	Proof of name and DOB: birth certificate; passport; WI ID; INS Form I-151 or I-551; certificate of naturalization or citizenship; temporary resident card or employment authorization document; INS Form I-181; Northern Mariana card; Mexican voter ID card with photo and signature; U.S. military ID card; and others. Proof of ID: DL or ID; international DL; Canadian Social Insurance card; ID issued by foreign consulate with photo and signature; canceled check; welfare card; Medicaid card; student photo ID; certified school record; and others.	SSNs are to be provided if applicant has one. If applicant does not have SSN, must state or subscribe under oath or affirm that applicant does not have SSN.
WY	YES (w/exception)	YES	Proof of ID: birth certificate; U.S. or Canadian passport; certificate of naturalization; and "immigration documents in lieu of foreign birth certificate; passport must be accompanied by INS documents."	<ul style="list-style-type: none"> ➤ SSNs to be provided if applicant has one. If applicant does not have SSN, must sign affidavit that applicant does not have SSN. ➤ Foreigners must present documentation from INS that verifies their lawful presence in U.S. and immigration status along with their passport. "However, we do not issue licenses to all foreigners." ➤ Statute states application shall contain: the person's Social Security number or other numbers or letters deemed appropriate on applications for instruction permits, driver's licenses, commercial driver's licenses and commercial driver instruction permits (31-7-111).

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