

EDUCATING ABOUT IMMIGRATION

Driver's Licenses And Unauthorized Immigrants

Overview

Students will evaluate a variety of proposals that state governments have made to address the issue of granting driver's licenses to immigrants. They will then vote, as a group, to advise the government about the different proposals. Students with dissenting opinions will also have an opportunity to express themselves.

Time

One to two class periods.

Standards Addressed

Grades Six Through Eight Historical and Social Science Analysis Skills:

Chronological and Spatial Thinking: (1) Students explain how major events are related to one another in time. **Historical Interpretation:** (3) Students explain the sources of historical continuity and how the combination of ideas and events explains the emergence of new patterns.

California History-Social Science Standard 11.9: Students analyze U.S. foreign policy since World War II. (7) Examine relations between the United States and Mexico in the twentieth century, including key economic, political, immigration, and environmental issues.

California History-Social Science Standard 11.11: Students analyze the major social problems and domestic policy issues in contemporary American society. (1) Discuss the reasons for the nation's changing immigration policy, with emphasis on how the Immigration Act of 1965 and successor acts have transformed American society.

California History-Social Science Standard 12.2: Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (2) Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one's work; right to join or not join labor unions; copyright and patent).

California History-Social Science Standard 12.7: Students analyze and compare the powers and procedures of the national, state, tribal, and local governments. (5) Explain how public policy is formed, including the setting of the public agenda and implementation of it through regulations and executive orders.

Materials

- A class set of the article "Unauthorized Immigrants and Driver's Licenses"
- A class set of Handout A
- A class set of Handout B

Procedure

Step One. Have the students read "Unauthorized Immigrants and Driver's Licenses" and answer the questions for discussion. They can read it in class or as homework. Check for understanding.

EDUCATING ABOUT IMMIGRATION

Driver's Licenses And Unauthorized Immigrants

Step Two. Organize the class into small groups of three or five students each. Distribute Handouts A and B to each student.

Step Three. Inform each group that they are a task force given the job of advising their state's governor about the best course to take in addressing the issue of driver's licenses for unauthorized immigrants. Their task is to advise the governor about the most effective proposals for their state.

Step Four. Inform each group that they need to evaluate the six proposals in Handout A. They will rank the proposals from one to six, one being the most effective for their state, six being the least effective. Each member of the group is responsible for recording their answers on Handout B.

Step Five. Once all the groups have completed their evaluation, have a representative of each group report their task force's findings to the class. Keep a tally of the responses on the board.

Step Six. Was it difficult for their groups to reach consensus? Why or why not? Were there any decisions made by the majority of members in your task force that you disagreed with? Why did you disagree? Did you make your opinion known to the group before they took a vote? What are some ways you could use to persuade the other members of a task force like this one?

NOTE: Students will have different opinions about what should be done to address the issue of illegal immigration. In this activity, they have to assume the role of advisors to the governor. For help in addressing controversy in the classroom, please see [Handling Controversy in the Classroom](#), available on this website from CRF.

EDUCATING ABOUT IMMIGRATION

Driver's Licenses And Unauthorized Immigrants

Possessing a driver's license can give a person more privileges than simply being allowed to operate a motor vehicle. A driver's license or state-issued ID card also works as an identification card. Should driver's licenses and other ID cards be issued to unauthorized immigrants?



Each state requires its drivers to have a license.

Each state issues its own driver's licenses and establishes requirements for obtaining those licenses. For example, all states require that people attain a certain age before being allowed to drive.

A driver's license can serve many purposes beyond allowing someone to operate a motor vehicle. Employers require valid identification of their employees. Government agencies need identification from people applying for benefits, such as Medicaid. Banks require valid identification for people to open accounts, and airlines need driver's licenses or ID cards to identify their passengers.

In some states, it has been proposed that unauthorized immigrants should be eligible for driver's licenses and state ID cards. The question is: Should undocumented immigrants, numbering as many as 12 million, be allowed to apply for a state-issued driver's licenses and ID cards?

Supporters of allowing licenses to the undocumented focus their arguments primarily on three issues: traffic safety, automobile insurance, and hit-and-run drivers. Opponents focus mainly on two issues: national security and condoning illegality.

Traffic Safety

Supporters point out that no one can get a driver's license without passing a basic driver skills test. The AAA Foundation for Traffic Safety has issued a report called "Unlicensed to Kill" that indicates a direct connection between increased licensing of drivers and increased traffic safety. "Drivers who operate a motor vehicle without a valid license," states the report, "are believed to be among the worst drivers on the road." The report cites evidence that unlicensed drivers are 4.9 percent more likely to be involved in a fatal automobile collision than licensed drivers.

Opponents of issuing the licenses, however, argue that offering licenses does not seem to curb people from driving without a license. The Federation for American Immigration

EDUCATING ABOUT IMMIGRATION

Driver's Licenses And Unauthorized Immigrants

Reform (FAIR) reports: "Ten states do not require lawful proof of presence for an applicant to obtain a driver's license.... Despite this, in these 10 states 14.4 percent of those who cause traffic fatalities are not licensed or improperly licensed, compared to the national average of 13.6 percent."

Auto Insurance

Supporters argue that issuing licenses to unauthorized immigrants will result in more drivers on the road carrying insurance. With more insured drivers on the roads, anyone injured by a licensed immigrant driver will more likely be compensated for their injuries. In a 2004 policy statement, the Mexican American Legal Defense and Education Fund (MALDEF) declared, "Restricting DLs [driver's licenses] results in unsafe roads, higher insurance rates, and overwhelmed court systems...."

Opponents argue that state auto insurance requirements will not force non-citizens to comply with the law. They argue that the requirement is just a formality that drivers can ignore. FAIR argues, "[E]ven if a state requires automobile insurance as a condition of getting a license, that does not keep an illegal alien from canceling the policy the next day."

Hit-and-Run Accidents

Supporters contend that the incidents of drivers leaving the scene of an auto collision (the crime of "hit and run") would decrease. Los Angeles Police Chief William Bratton has said that issuing a driver's license requires certain security measures, like getting an applicant's photo and thumbprint. "We believe," says Bratton, "[these security measures] will reduce hit and run accidents."

Opponents believe that hit and runs would not decrease. FAIR has stated: "In many of the countries from which illegal aliens come, it is standard practice for motorists involved in accidents to flee the scene."

National Security

Opponents of the licenses stress that the driver's license issue is a national security concern. The 9/11 terrorist attacks focused attention on the availability of driver's licenses to non-citizens. FAIR has noted that "all of the 9/11 hijackers had driver's licenses or state non-driver's identification cards, which they were able to use when renting housing, opening bank accounts, and boarding planes." It argues that giving undocumented immigrants driver's licenses does not improve security "because illegal aliens often use aliases and phony documents, so the alien's identity and residence is not established as a result of the driver's license process."

Congress responded to the 9/11 issue by passing the REAL ID Act in 2005 (or "Real ID"). That law requires each state to have documentation of a person's immigration status before it can issue a driver's license or ID card to that person. Otherwise, federal agencies will not accept the ID card for "official purposes" (such as boarding a plane). The states are either supposed to comply with the federal requirements or apply for an extension.

EDUCATING ABOUT IMMIGRATION

Driver's Licenses And Unauthorized Immigrants

As of April 2008, all 50 states had received an extension, with many state legislatures complaining about the high cost to implement the law. If a state does comply with Real ID, then that state's government has to approve regulations, hire additional staff, and often improve technology to identify applicants for licenses. For example, it is estimated this would cost \$73 million in the state of Maine. In Maryland, the estimate is \$30 million. In both states, the federal government would only be required to contribute about \$1 million to each state's costs.

Supporters of allowing licenses for the undocumented point out that the 9/11 terrorists did not need driver's licenses to board the planes because they had passports for identification. They also cite former White House counter-terrorism adviser Richard Clarke. He has stated that it will be years before states comply with the Real ID law and that meanwhile "it is far preferable for the state to know who is living in it and driving on its roads, and to have their photograph and their address on file than to have large numbers of people living in our cities whose identity is totally unknown to the government."

Condoning Illegality

Opponents believe that government should do nothing to endorse the actions of unauthorized immigrants. Mark Krikorian, executive director of the Center for Immigration Studies, has stated that "by giving illegal immigrants any form of official government ID ... [w]e essentially almost legalize their presence ... we recognize and officially give them the stamp of approval of the government."

Supporters respond that forbidding them from having licenses or ID cards will not stop them from migrating. "Immigrants do not come to this country to get a driver's license," states the National Immigration Law Center, "and they will not leave because they are ineligible for one."

For Discussion

1. The debate focuses on five areas: traffic safety, automobile insurance, hit-and-run drivers, national security, and condoning illegality. What do you think are the strongest arguments in each area? The weakest? Why?
2. Can you think of any additional pro or con arguments?

EDUCATING ABOUT IMMIGRATION

Driver's Licenses And Unauthorized Immigrants

Driver's Licenses Task Force—Handout A

You are a member of a task force appointed by the governor of your state. Your job is to advise your governor whether undocumented immigrants should be granted driver's licenses (or other official ID) in your state. In your task force, discuss each of the following proposals to resolve the issue. After discussion, each group must rank the proposals from one to six, one being the most effective proposal for the state, and six being the least effective. Use Handout B to record your group's decisions.

A. Make no change. Keep the state laws as they currently exist. All states require that a person have a Social Security Number in order to get a driver's license, though all except South Dakota allow exceptions to that rule. Many states also require that a person show proof of lawful presence in the country.

B. Allow driving certificates. People who can prove their lawful presence in the country can apply for a driver's license. Everyone else may apply for a non-renewable certificate that permits them to drive for one year within the state. The certificate cannot be used for identification purposes.

C. Comply with the REAL ID law. Require that applicants for driver's licenses in your state show proof of lawful presence in the country or lawful immigration status before they can get a license. Otherwise, no one with your state's driver's license may use federal services or board an airplane.

D. Allow sponsored persons to apply for driver's licenses. Any immigrant may apply for a driver's license if they meet the following criteria: they give the state a complete set of their fingerprints (to prevent identity theft); they undergo a criminal background check; and they have a U.S. citizen to sponsor them. Anyone with a criminal record cannot get a license.

E. Allow foreign ID cards. Permit those immigrants within your state to use a foreign ID card issued by their home country's consulate. Also, allow immigrants with an international driver's permit to drive legally on your state's roads.

F. Prohibit all immigrant licenses. Regardless of immigration status, only native-born or naturalized citizens may apply for a driver's license and must have a Social Security Number.

EDUCATING ABOUT IMMIGRATION
Driver's Licenses And Unauthorized Immigrants

Driver's Licenses Task Force—Handout B

Rank	Proposal (A, B, C, etc.)	Reasons for Your Task Force Decision	Do You Agree With Your Task Force's Majority?
1			
2			
3			
4			
5			
6			