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## The Plight of Being Unrecognized in the United States: Should Undocumented Immigrants be Licensed to Drive in Florida?

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THE PLIGHT OF BEING UNRECOGNIZED IN THE UNITED STATES:  
SHOULD UNDOCUMENTED IMMIGRANTS BE LICENSED TO DRIVE IN  
FLORIDA?

by

JENNIFER N. WILFORD

A thesis submitted in partial fulfillment of the requirements  
for the Honors in the Major Program in Legal Studies  
in the College of Health and Public Affairs  
and in the Burnett Honors College  
at the University of Central Florida  
Orlando, Florida

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Thesis Chair: Kathy S. Cook, J.D.

## **ABSTRACT**

The United States of America is facing an important decision. Should illegal immigrants be allowed to obtain driver's licenses? Thus far ten states and the District of Columbia as well as Puerto Rico have passed laws permitting this to come into fruition. The purpose of this thesis is to gain an understanding of the significance that licensing laws have on this country. This thesis will compare the views and beliefs of both the proponents and opponents to this law. This thesis also discusses how Florida is deeply affected due to its large Hispanic immigrant population. This issue is laden with passion and emotion due to the desire of many to see this group of people that are currently undocumented, have the ability to lead a more normal life and conversely the fear that allowing licenses will give undocumented aliens privileges of citizens and encourage illegal immigration. The views on these laws are divided throughout the nation. The lawfulness is examined in reference to rewarding and promoting illegal immigration and the cumulative negative effects that this can have on this country. The driver's license requirements were analyzed for each individual state. News articles were researched and used to enrich the pros and cons on this topic. This research was then used to give a recommendation for Florida law.

## **ACKNOWLEDGMENTS**

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## Introduction

The United States of America has been a vision of hope and prosperity for immigrants. People from all over the world have traveled thousands of miles to reach American soil in search of a better life, escape from political discord, achieve religious freedom, and obtain the opportunities the nation has to offer. Immigration has not only helped form the identity of the United States but has given America the nickname, “the great melting pot.”<sup>1</sup> As time has passed so have changes in immigration.

At the beginning of American history, immigrating people were welcomed and needed to establish a firm population in the United States.<sup>2</sup> It was not until the early twentieth century that restrictions were set forth on immigration. Until that time, the concept of illegal immigration was not an issue for foreigners settling in America since the concept did not exist.<sup>3</sup> However, as populations increased so did constraints on immigration. Legally, the government sought to make permanent residency in the country more difficult for immigrants.<sup>4</sup> Today, the United States now faces a large number of immigrants entering the country illegally and many foreigners remain past the expiration date of their documents.

Undocumented immigrants enter and stay in the United States every year for many reasons similar to those found in the past. The individual economic prospects found in America greatly surpass many of the immigrant’s home countries. Illegal immigrants pursue work and a

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<sup>1</sup> U.S. Department of State Bureau of International Information Programs, *Becoming American Beyond the Melting Pot*, Vol 15 (December 2010), [http://photos.state.gov/libraries/korea/49271/march\\_2011/en\\_0111\\_immigration.pdf](http://photos.state.gov/libraries/korea/49271/march_2011/en_0111_immigration.pdf).

<sup>2</sup> Stuart Anderson, *Immigration 1* (Wesley B. Truitt ed.) (2010).

<sup>3</sup> Stuart Anderson, *Immigration 91* (Wesley B. Truitt ed.) (2010).

<sup>4</sup> Stuart Anderson, *Immigration 93* (Wesley B. Truitt ed.) (2010).

better lifestyle similar to the motives found throughout the history of the United States.<sup>5</sup> Many people crossing the border illegally are seeking a higher quality of life not only for themselves but for their families as well.

A major difference between American citizens and illegal immigrants is the willingness to accept certain jobs at lower wages.<sup>6</sup> For example, the low wages undocumented farmworkers receive do not attract ordinary Americans; however, they can make the difference between an impoverished lifestyle and a decent living situation for foreign relatives living in their home country. It is that small but meaningful income that motivates undocumented immigrants to reside here illegally. One of the risks undocumented immigrants choose is driving without a valid license. According to Chapter 8, Section 1325 of the *United States Annotated Code*, if they are discovered they could face fines, deportation, or imprisonment. In addition, they face sanctions for unlicensed driving in that state.

Why, then, do they drive without a license? For many undocumented immigrants, like most citizens in the United States, driving is a necessity and is a key element for this chosen lifestyle. Because unlicensed driving is occurring every day, this thesis will discuss the debate of whether the individual states should issue driver's licenses to illegal aliens and deliberate whether obtaining a driver's license is a right or a privilege offered by the United States. This thesis will discuss many aspects and arguments surrounding this controversial topic. It will also include a deeper look into the recent legislation surrounding this issue and discuss those states that have adopted law in favor of permitting licenses to illegal immigrants. Furthermore, this

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<sup>5</sup> Roger Daniels, *American Immigration: A Student Companion* 18 (Oxford University Press) (2001).

<sup>6</sup> Philip Martin, *Illegal Immigration and the Colonization of the American Labor Market*, Center for Immigration Studies, (January 1986), <http://cis.org/AmericanLaborMarket%2526Immigration>.

thesis will consider whether Florida, specifically, should continue to restrict licenses to those who are illegally in the United States or implement a law that allows the undocumented people the same opportunity as the rest of the legal nation.

## Chapter 1: History of Immigration to the United States

Generations of immigrants have come and gone, each bringing new waves<sup>7</sup> of cultures, customs, beliefs, languages, and contributions to society. When the United States was first discovered, its expansive land was suited and available to support such growth. Therefore, immigration to the new world increased heavily over time and was in large part the reason behind the increase in the American population.<sup>8</sup> Immigration was such an important part in the rise of American culture that one historian, Oscar Handlin, wrote, “Once I thought to write a history of the immigrants in America. Then I discovered that the immigrants were American history.”<sup>9</sup> Immigration increased tremendously as American land was further discovered and settled. As the population expanded across the nation, rapid developments in transportation were needed to facilitate migration to undeveloped land. This expansion cross country resulted in the recruitment of immigrants to the United States.<sup>10</sup>

Immigration continued to rise in numbers leading to new high peaks. By the 1880s, half a million immigrants were entering the United States each year, and the countries of origin of these immigrants began to shift, creating “new immigrants.”<sup>11</sup> Just as expansion across America led to different waves of immigrants, each era had its own diverse set of people. These waves of

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<sup>7</sup> “Wave” is a large movement of people from one region to another. Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 13-14 (University Press of America, Inc.)(1992).

<sup>8</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 13-14 (University Press of America, Inc.)(1992).

<sup>9</sup> Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People* 3 (Little, Brown and Company)(1951).

<sup>10</sup> Stuart Anderson, *Immigration* 1 (Wesley B. Truitt ed.) (2010).

<sup>11</sup> U.S. Department of State Bureau of International Information Programs, *Becoming American Beyond the Melting Pot*, Vol 15 (December 2010), [http://photos.state.gov/libraries/korea/49271/march\\_2011/en\\_0111\\_immigration.pdf](http://photos.state.gov/libraries/korea/49271/march_2011/en_0111_immigration.pdf).

immigrants brought to America new customs, cultures, and unique ideas to implement into society.

### The Waves of Immigration

The United States of America has received a diversity of people throughout its time and this continues even today. Ancestors from Europe, Africa, Asia and South America influenced everything in the United States. The large populations of immigrants who travelled to American soil can be separated roughly into four waves.

The first wave to be considered begins with the first explorers leading up to the early 1800s.<sup>12</sup> This period brought to America a large population from England and Africa. However, the first permanent settlements, in what is now the United States, were settled by the Spanish in 1598 at St. Augustine. These founding immigrants included many people from other European nations as well. Throughout each colony, members of French and German descent could also be found.<sup>13</sup> In this first wave, the majority of the settlers were British coming from Southern England.<sup>14</sup> In 1607, the first set of immigrant settlers to arrive in America landed in Jamestown.<sup>15</sup> There they suffered tremendous hardship and had to overcome the difficulties of a new land and a system of self-government.

The exact population size from the first migration through to Colonial America in the late 1700s is unclear, but the estimated number up to that time was at least 700,000.<sup>16</sup> Of that

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<sup>12</sup> Roger Daniels, *American Immigration: A Student Companion* 7 (Oxford University Press) (2001).

<sup>13</sup> Roger Daniels, *American Immigration: A Student Companion* 7 (Oxford University Press) (2001).

<sup>14</sup> Roger Daniels, *American Immigration: A Student Companion* 8 (Oxford University Press) (2001).

<sup>15</sup> Stuart Anderson, *Immigration* 2-3 (Wesley B. Truitt ed.) (2010).

<sup>16</sup> Stuart Anderson, *Immigration* 4 (Wesley B. Truitt ed.) (2010).

number, more than half included people who were not considered free.<sup>17</sup> As time went on, immigration slowed and the population grew largely from births in America. In 1790, after the inauguration of President George Washington, the first official census took place.<sup>18</sup> The census concluded that the population consisted of 3,929,214 people residing in the United States at that time.<sup>19</sup> Of that number, about 750,000 were enslaved African Americans. The rest of the population was mainly English, followed by Irish, Germans, Scots, Dutch, French, and small numbers of other backgrounds.

The decrease in immigration rates was significant from the time of Independence of the United States to 1819.<sup>20</sup> During that time, only about 100,000 immigrants arrived to America. It was not long after, that immigration began to increase, creating the second wave of immigration into the United States. After the American Revolution, then later the wars between Britain and France, and the War of 1812 with Britain, the popularity of immigration to the United States increased bringing new waves of people.<sup>21</sup> The 1820s through the 1850s brought forth many Irish leading them to be the highest immigrating group to the United States at that time.<sup>22</sup> The majority of Irish that arrived to the United States were men who brought with them their skills in the labor industry.<sup>23</sup> They were the first to work on projects for the public interest, and were a

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<sup>17</sup> Roger Daniels, *American Immigration: A Student Companion* 8 (Oxford University Press) (2001).

<sup>18</sup> *1790 Overview*, United States Census Bureau, [http://www.census.gov/history/www/through\\_the\\_decades/overview/1790.html](http://www.census.gov/history/www/through_the_decades/overview/1790.html).

<sup>19</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 14 (University Press of America, Inc.)(1992).

<sup>20</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 14 (University Press of America, Inc.)(1992).

<sup>21</sup> Roger Daniels, *American Immigration: A Student Companion* 9 (Oxford University Press) (2001).

<sup>22</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 14 (University Press of America, Inc.)(1992).

<sup>23</sup> Roger Daniels, *American Immigration: A Student Companion* 159-160 (Oxford University Press) (2001).

large force of the creation of the Eerie Canal. What is interesting is that this is one of the first times it is seen that the United States utilizes immigrants for cheap and hard labor. This is still seen today amongst the illegal immigration population.

The tides turned slightly in the 1850s when Germans began settling in the United States.<sup>24</sup> Unlike the Irish, they came for less harsh reasons. In this second wave of immigrants, the Germans came not only for religious freedom but economic and political reasons as well. During the time between the 1860s and 1880s the majority of immigrants arriving in America came from Irish or German origin.<sup>25</sup> The number of immigrants arriving within that time block consisted of about one and a half million Irish and three million Germans.

While the 1880s brought the Germans and Irish, it was a turning point in the history of immigration because “new immigrants” began to arrive.<sup>26</sup> This third wave of immigration brought forth people from other nations such as Italy, Russia, Poland, Austria-Hungary and Greece. A substantial number of Italians did not immigrate to the United States until this time even though the United States was discovered by an Italian, Christopher Columbus.<sup>27</sup> However, it was from 1880 to 1920 that about four million Italians took the leap to a new life in the United States. As they began to arrive, they slowly took up a large portion of jobs in the labor force. They worked as laborers building railroads, paving roads, constructing buildings, and helping develop the wine industry on the west coast. Shortly after the Russians sold their settlements to

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<sup>24</sup> Roger Daniels, *American Immigration: A Student Companion* 121-124 (Oxford University Press) (2001).

<sup>25</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 14 (University Press of America, Inc.)(1992).

<sup>26</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 16 (University Press of America, Inc.)(1992).

<sup>27</sup> Roger Daniels, *American Immigration: A Student Companion* 162-164 (Oxford University Press) (2001).

the United States, the next large immigration in this wave was to the west coast in the early 1900s.<sup>28</sup> Between 1905 and 1914, a much larger movement of about 90,000 Russians settled in the United States and many were unskilled immigrants searching for better lives. Then a large group of skilled professionals and many of the elite Russians came from 1917 to 1922. Some 30,000 people fled Russia's new dictatorship in search of freedom.

Within this third wave of immigration, a significant number of Poles arrived who were Catholic peasants and workers.<sup>29</sup> The mindset of these people was much different than many others. They did not seek a better life in the United States but rather a place to earn money so they could return to their homeland and settle there. However, many did remain in the United States and by the 1920s the estimated number of Polish immigrants in the United States was 400,000. The emigration from the Austro-Hungarian Empire made up a substantial portion of immigration at this time.<sup>30</sup> From the late 1800s to about 1918 more than four million Austro-Hungarian people fled the empire for the United States. Of this third wave, Greeks also provided a large number of immigrants during this era.<sup>31</sup> The Greeks did not bring just one specific skill; they worked in many industries including mining coal and hard-rock, railroad construction, and meat packing. They also worked odd jobs such as in theaters, shoeshine stands, and many more.

Immigration slowed drastically due to restrictive legislation from 1924 to the 1960s which will be discussed later in this thesis.<sup>32</sup> It was not until the mid-1960s that immigration was

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<sup>28</sup> Roger Daniels, *American Immigration: A Student Companion* 232-234 (Oxford University Press) (2001).

<sup>29</sup> Roger Daniels, *American Immigration: A Student Companion* 212-215 (Oxford University Press) (2001).

<sup>30</sup> Roger Daniels, *American Immigration: A Student Companion* 44-45 (Oxford University Press) (2001).

<sup>31</sup> Roger Daniels, *American Immigration: A Student Companion* 125-127 (Oxford University Press) (2001).

<sup>32</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 18 (University Press of America, Inc.)(1992).

slightly restored and began to pick-up once more. Before the 1920s, immigration to the United States was admitted as long as you arrived to the nation. Following the 1960s, however, immigration to America could then be illegal, and millions began crossing the borders illegally giving rise to a whole new group of people.

The fourth wave began in 1965 leading up to the present time. As a result of the 1965 law, the annual quota for immigrants was raised to 270,000 people and allowed no more than 20,000 people from any individual country.<sup>33</sup> However, this law did allow exceptions and preferential status for close relatives to United States citizens and resident aliens.<sup>34</sup> Throughout this fourth wave many differences arose. Unlike the time up to the 1950s which consisted mainly of European immigrants, the 1960s consisted of people from Latin America and Asia. Roughly 13.5 million legal immigrants entered the United States between the early 1980s and mid-1990s.

Along with the change in origin of immigrants a second difference between the waves was the number of educated and uneducated immigrants.<sup>35</sup> During this time a large group of educated people arrived to the United States bringing valuable professional skills and ideas. There was also a large group of people who came with little to no education at all. During this time, immigrants fleeing their home countries were admitted into the United States.<sup>36</sup> This included nearly one million Cubans who were admitted into the United States since 1959, seeking refuge from Fidel Castro's communist state. The United States welcomed these refugees by giving them a special status and some financial assistance to help get them on their feet.

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<sup>33</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 18 (University Press of America, Inc.)(1992).

<sup>34</sup> Roger Daniels, *American Immigration: A Student Companion* 16-18 (Oxford University Press) (2001).

<sup>35</sup> Roger Daniels, *American Immigration: A Student Companion* 18 (Oxford University Press) (2001).

<sup>36</sup> Roger Daniels, *American Immigration: A Student Companion* 18 (Oxford University Press) (2001).

This wave of immigration continued to increase the number of people entering the United States. The 1952 law, which will be discussed further in this thesis, helped reunify families creating a “Golden Door” for relatives of citizens of the United States.<sup>37</sup> Many Asian immigrants would arrive to the U.S. for professional or educational reasons and remain in the country for more than five years. After the five years were completed they could then apply for citizenship and begin the process of bringing immediate relatives to the United States under the family reunification provisions of the preference system. The same process was used by a substantial number of Latin Americans contributing to the fourth wave of immigration. Both Latin America and Asia sent the majority of immigrants to the United States within this period to seek residency and a new life.

### Types of Immigration

The history of immigration to the United States has developed in several ways in which people of foreign background immigrate to America. The most basic breakdown of the types of immigrants can be separated into three components: those seeking refuge, those entering legally or those entering illegally or remaining past their documents illegally.<sup>38</sup> Due to America’s more recent immigration laws, limits on the number of admitted immigrants to the United States have been implemented to maintain order as well as not overwhelm the American population.<sup>39</sup> The limits on immigration have also impacted the number of illegal immigrants and thus the States’ attempts to pass laws regarding these immigrants. It is a cause and effect of licensing issues.

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<sup>37</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 18 (University Press of America, Inc.)(1992).

<sup>38</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 19 (University Press of America, Inc.)(1992).

<sup>39</sup> Leon F. Bouvier, *Peaceful Invasions: Immigration and Changing America* 19 (University Press of America, Inc.)(1992).

The first type of immigrant is those seeking refuge or asylum in the United States. According to Black's Law Dictionary, refugees are "individuals who left their native countries to avoid persecution."<sup>40</sup> They typically are persons who have fled their home country for fear of persecution for a number of reasons.<sup>41</sup> They flee for fear of persecution due to their race, specific religious practices, nationality, their opinions and ideas on politics, or belonging to a type of social group. As immigrants escape from their home countries, upon entering another they ask for asylum. If asylum is granted, the immigrants would be protected and given assistance. However, to be given asylum they must show proof of having been persecuted or explain the basis of their fear of persecution based on their race, religious beliefs, nationality, membership of a specific type of group, or opposing political opinions.<sup>42</sup> Each year the President and Congress allocate a specific number of refugees that will be granted admission to the United States.<sup>43</sup> For example, in the year 2013, the President set a ceiling of 70,000 worldwide that the U.S. would accept. Below is a chart provided by The Immigration Policy Center:

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<sup>40</sup> J. Hirby, *Ways to Legally Immigrate to America*, TheLawDictionary.org, <http://thelawdictionary.org/article/ways-to-legally-immigrate-to-america/> (May 2014).

<sup>41</sup> What is a Refugee?, USA for UNHCR: The UN Refugee Agency (2013), [http://www.unrefugees.org/site/c.lflQKSOWFqG/b.4950731/k.A894/What\\_is\\_a\\_refugee.htm](http://www.unrefugees.org/site/c.lflQKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm).

<sup>42</sup> *Asylum*, U.S. Citizenship and Immigration Services, (October 2014), <http://www.uscis.gov/humanitarian/refugees-asylum/asylum>.

<sup>43</sup> How the United States Immigration System Works: A Fact Sheet, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

**Figure 1: American Immigration Council showing the Breakdown of each Region's Limitations on Refugees.**

Africa	12,000
East Asia	17,000
Europe and Central Asia	2,000
Latin America/Caribbean	5,000
Near East/South Asia	31,000
Unallocated Reserve	3,000
<b>TOTAL</b>	<b>70,000</b>

A second type of immigration to enter the United States would be through alternate legal routes.<sup>44</sup> The United States has designed a system to regulate immigration and to maintain order. This system was established to allow a specific number of immigrants admittance into the United States each year. According to the Immigration Policy Center, immigration to the United States is based upon the following principles: “the reunification of families, admitting immigrants with skills that are valuable to the U.S. economy, protecting refugees, and promoting diversity.”<sup>45</sup>

The immigration policy known as The Immigration and Naturalization Act (INA), has allocated 675,000 admissions into the United States for permanent immigration.<sup>46</sup> From that number of 675,000, the INA has allotted spots according to the principle stated above. The first category of the INA, the process of reunification of families, is known as family-based immigration and annually gives out 480,000 family-based visas. This requires that an immigrant be sponsored by a family member who is a U.S. citizen or lawful permanent resident (LPR). Immigrants are further placed into categories, either being immediate relatives or placed in the

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<sup>44</sup> *USA Immigration*, United States Immigration Support, (October 2014), <http://www.usaimmigration.info/>.

<sup>45</sup> *How the United States Immigration System Works: A Fact Sheet*, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

<sup>46</sup> *How the United States Immigration System Works: A Fact Sheet*, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

family-preference system. Once placed in those categories, they can proceed to seek admission into the United States.

**Figure 2: Family-based Immigration System Provided by the Immigration Policy Center: American Immigration Council:**<sup>47</sup>

<b>Family-Based Immigration System</b>			
<b>Category</b>	<b>U.S. Sponsor</b>	<b>Relationship</b>	<b>Numerical Limit</b>
Immediate Relatives (IRs)	U.S. Citizen adults	Spouses, unmarried minor children, and parents	Unlimited
<b>Preference allocation</b>			
1	U.S. citizen	Unmarried adult children	23,400*
2A	LPR	Spouses and minor children	87,900
2B	LPR	Unmarried adult children	26,300
3	U.S. citizen	Married adult children	23,400**
4	U.S. citizen	Brothers and Sisters	65,000***
<p>* Plus any unused visas from the 4<sup>th</sup> preference.</p> <p>** Plus any unused visas from 1st and 2<sup>nd</sup> preference.</p> <p>***Plus any unused visas from the all other family-based preferences.</p>			

<sup>47</sup> How the United States Immigration System Works: A Fact Sheet, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

Worldwide level of family preference allocation: 480,000 minus visas issued to IRs and parolees, plus unused employment-visas from previous fiscal year. Floor for preference categories: 226,000.

The second category under the INA involves admission of immigrants for employment-based reasons.<sup>48</sup> This involves persons who can bring valuable skills or talents into the United States economy. They can either be granted temporary-visas for various types of work or permanent employment-based immigration. However, as with the other categories there is a limit of 140,000 visas per year for permanent employment-based immigrants.

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<sup>48</sup> *How the United States Immigration System Works: A Fact Sheet*, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

**Figure 3: Immigration Policy Center: American Immigration Council mapping out the preference system for permanent employment-based immigration:<sup>49</sup>**

<b>Permanent Employment-Based Preference System</b>		
<b>Preference Category</b>	<b>Eligibility</b>	<b>Yearly Numerical Limit</b>
1	“Persons of extraordinary ability” in the arts, science, education, business, or athletics; outstanding professors and researchers, some multinational executives.	40,000*
2	Members of the professions holding advanced degrees, or persons of exceptional abilities in the arts, science, or business.	40,000**
3	Skilled workers with at least two years of training or experience, professionals with college degrees, or “other” workers for unskilled labor that is not temporary or seasonal.	40,000*** “Other” unskilled laborers restricted to 5,000
4	Certain “special immigrants” including religious workers, employees of U.S. foreign service posts, former U.S. government employees and other classes of aliens.	10,000
5	Persons who will invest \$500,000 to \$1 million in a job-creating enterprise that employs at least 10 full time U.S. workers.	10,000
*Plus any unused visas from the 4 <sup>th</sup> and 5 <sup>th</sup> preferences. **Plus any unused visas from the 1 <sup>st</sup> preference. ***Plus any unused visas the 1 <sup>st</sup> and 2 <sup>nd</sup> preference.		
Worldwide level of employment-based immigrants: 140,000 for principal applicants and their dependents.		

The last categories of the INA include the admittance of refugees as discussed earlier in this section and the process of continuing diversification in the United States.<sup>50</sup> The Diversity Visa lottery was created to promote persons of all backgrounds to come to the United States.

<sup>49</sup> *How the United States Immigration System Works: A Fact Sheet*, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

<sup>50</sup> *How the United States Immigration System Works: A Fact Sheet*, Immigration Policy Center American Immigration Council (March 1, 2014), <http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

This lottery targets nations where immigration to the U.S. is below 50,000 in the past five years. These countries are then awarded a limit of 55,000 visas to distribute among its people.

Illegal immigration has raised concern among Americans and has prompted recent policies that have developed due to the estimated growing number of illegal immigrants residing in the United States. A third type of immigration is among those persons entering the United States illegally. There are two general methods by which illegal immigrants enter the United States.<sup>51</sup> The first route is by crossing the border into the country either by swimming, sailing, driving, climbing, or walking over the border between two countries. These individuals or groups of illegal immigrants enter a country without legal documents and are therefore considered “undocumented” and not properly authorized. For this group of immigrants, these routes into the United States are primarily from the two neighboring countries, Mexico and Canada but they are also from island neighbors such as Cuba and Haiti.<sup>52</sup>

The second method illegal immigrants might utilize is through official documents they have obtained at the United States Department of State in their home country.<sup>53</sup> However, these documents presented by such immigrants sometimes are forged or belong to another person and he or she enters with a false identity. After having been allowed admission into the United States, some of those entering legally will then violate the terms of their visa by staying past the

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<sup>51</sup> Vernon M. Briggs Jr., *Methods of Analysis of Illegal Immigration into the United States*, Cornell University ILR School International Migration Review, 18, 623-641 (1984), <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1005&context=articles>.

<sup>52</sup> Vernon M. Briggs Jr., *Methods of Analysis of Illegal Immigration into the United States*, Cornell University ILR School International Migration Review, 18, 623-641 (1984), <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1005&context=articles>.

<sup>53</sup> Vernon M. Briggs Jr., *Methods of Analysis of Illegal Immigration into the United States*, Cornell University ILR School International Migration Review, 18, 623-641 (1984), <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1005&context=articles>.

expiration date or obtaining work contrary to the restrictions of the visa. There is no specific country from which these immigrants come. These immigrants who stay after the expiration of their visas can be students, tourists, businessmen or others.<sup>54</sup>

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<sup>54</sup> Vernon M. Briggs Jr., *Methods of Analysis of Illegal Immigration into the United States*, Cornell University ILR School International Migration Review, 18, 623-641 (1984), <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1005&context=articles>.

## **Chapter 2: Legislation as a Result of Illegal Immigration**

Immigration has brought forth many changes in law throughout the history of the United States, many of which are complex and detailed. This chapter will provide an overview of the different legislation which has been passed as a result of the rise in illegal immigration. Although there is no defined victim of illegal immigration, there are repercussions to the violations of the law. Entering and residing in a country, not one's place of origin, would seem to impact the existing population of their new residence. The laws which are discussed in this section are an attempt to minimize either the number of immigrants and thereby minimize the impact and create restrictions to discourage illegal immigration.

In response to the growing number of illegal immigrants, laws ranging from education to employment and from law enforcement to driver's licensing have been passed in recent years.<sup>55</sup> Because illegal immigration has become such a popular issue in this country, it has caused a whole new set of conflicts. Lawmakers have responded by creating laws restricting or regulating the illegal immigrants. As humanitarian people, the United States has always had the need to make sure that we are fair to all, even to those who come into our country illegally.<sup>56</sup> Many of the laws which have been passed by the various states are to protect, what constituents believe, the rights of only citizens and legal immigrants.

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<sup>55</sup> *2014 Report on State Immigration Laws January- June*, National Conference of State Legislatures, (August 12, 2014), <http://www.ncsl.org/research/immigration/2014-report-on-state-immigration-laws-jan-june.aspx>.

<sup>56</sup> *2014 Report on State Immigration Laws January- June*, National Conference of State Legislatures, (August 12, 2014), <http://www.ncsl.org/research/immigration/2014-report-on-state-immigration-laws-jan-june.aspx>.

### Early Legislation: 20<sup>th</sup> Century

In 1924 Congress passed the National Origins Quota Act which allowed only a specific percentage of immigrants coming from Southern and Eastern Europe and almost completely denied Asians from entering the United States annually.<sup>57</sup> The 1952 Immigration and Nationality Act, also known as the McCarran-Walter Act, revamped the 1924 Act. Although it upheld the quota system set in place by the 1924 Act, it allowed access to the United States to other nations.<sup>58</sup> Just as other laws that will be discussed later in this chapter, the McCarran-Walter Act was amended to address the issues at the time. The time of the rejection of the Asian population from the United States had passed and the new legislation allowed for their admission.

The legal system in the United States changes slowly, and the inclusion of the Asian population was kept at a minimum of one hundred visas per year.<sup>59</sup> While keeping in place the quota system, with better relations with Asia, the focus turned to allowing persons with needed talents and abilities that could benefit the United States as well as reuniting families which were already in the United States. The Act improved its prioritization system in regards to how applicants were chosen and priority for admission. It was not until 1965 that the quota system was abolished and new legislation took over.<sup>60</sup>

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<sup>57</sup> *Major U.S. Immigration Laws, 1790-Present*, Migration Policy Institute, (March 2013), <http://www.migrationpolicy.org/cir>.

<sup>58</sup> *Milestones: 1945-1952*, U.S. Department of State Office of the Historian, <https://history.state.gov/milestones/1945-1952/immigration-act>.

<sup>59</sup> *Milestones: 1945-1952*, U.S. Department of State Office of the Historian, <https://history.state.gov/milestones/1945-1952/immigration-act>.

<sup>60</sup> *Major U.S. Immigration Laws, 1790-Present*, Migration Policy Institute, (March 2013), <http://www.migrationpolicy.org/cir>.

The 1965 Immigration and Nationality Act, also known as the Hart-Cellar Act, implemented major changes to the previous immigration policy.<sup>61</sup> It once again rejuvenated the acts from 1924 and 1952. By eliminating the quota system, the Act opened the doors to mass immigration into the United States and brought significant changes. This time the Act allowed people of all nationalities to have equal opportunities to enter the United States. No longer would people be limited by their race, ethnicity, or place of origin. Immigrants were then admitted on a priority basis founded upon their relationship to a United States citizen, lawful permanent resident family member, or United States employer. Family reunification became an important aspect of the 1965 legislation.

With this new window of immigration open to more people around the world, it also created many more issues for the United States. Along with the masses immigrating to the United States, the increase in undocumented workers traveling across the border illegally increased as well; this led to the 1986 Immigration Reform and Control Act. This act differed from the past three discussed in this chapter because it focused on the most current immigration issue, that of illegal immigration.<sup>62</sup> While the Acts of 1924, 1952, and 1965 set standards in regards to the percentages of immigrants, the nationalities and what they brought forth, the Act of 1986 was created to fix problems that had occurred. The illegal immigration population had increased to a point surpassing any numbers than those of the past.

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<sup>61</sup> *Three Decades of Mass Immigration: The Legacy of the 1965 Immigration Act*, Center for Immigration Studies, (September 1995), <http://cis.org/1965ImmigrationAct-MassImmigration>.

<sup>62</sup> *Major U.S. Immigration Laws, 1790-Present*, Migration Policy Institute, (March 2013), <http://www.migrationpolicy.org/cir>.

In response to such issues, the 1986 Immigration Reform and Control Act (IRCA) had several parts.<sup>63</sup> One part included placing sanctions and other consequences on employers who knowingly and willingly hired undocumented workers or in any way solicited jobs to illegal immigrants.<sup>64</sup> This act also increased border patrol by fifty percent. In an effort to control and decrease the growing number of illegal immigrants in the United States, the IRCA gave the opportunity for any undocumented person who had resided in the U.S. since January 1, 1982 to legalize his or her status. The second program under this Act offered legal status to any undocumented worker who had maintained employment in the agricultural industry for over 90 days. Between these two programs, the United States granted roughly 2.7 million illegal immigrants permanent and lawful residency. However, this did not substantially decrease the number of illegal immigrants in the United States or fix the problems of illegal immigration.

Over the next decade, immigration law continued to take different turns. The Immigration Act of 1990 more than doubled the number of United States visas given out each year increasing the rate of immigration.<sup>65</sup> The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) began to impose tighter regulations on illegal immigration and set penalties for being unauthorized.<sup>66</sup> It also further increased border control and reduced the benefits illegal immigrants could receive from the government. These changes were made to deter illegal

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<sup>63</sup> Philip E. Wolgin, *5 Major Immigration Laws that the House Passed in an Election Year*, Center for American Progress, (January 9, 2014), <http://www.americanprogress.org/issues/immigration/news/2014/01/09/81849/5-major-immigration-laws-that-the-house-passed-in-an-election-year/>.

<sup>64</sup> *Major U.S. Immigration Laws, 1790-Present*, Migration Policy Institute, (March 2013), <http://www.migrationpolicy.org/cir>.

<sup>65</sup> Philip E. Wolgin, *5 Major Immigration Laws that the House Passed in an Election Year*, Center for American Progress, (January 9, 2014), <http://www.americanprogress.org/issues/immigration/news/2014/01/09/81849/5-major-immigration-laws-that-the-house-passed-in-an-election-year/>.

<sup>66</sup> *Major U.S. Immigration Laws, 1790-Present*, Migration Policy Institute, (March 2013), <http://www.migrationpolicy.org/cir>.

immigration, while preserving fundamental rights to citizens.<sup>67</sup> These specific laws and many other forms of legislation, regarding illegal immigration in the United States, covered a variety of aspects throughout the twentieth century and continued to broaden further into the twenty-first century.

### Recent Legislation: 21<sup>st</sup> Century

With the onset of the new millennia came more designs to resolve the issues surrounding illegal immigration in the United States. Since the number of unauthorized persons did not decrease, more structured solutions and ideas needed to be implemented. In 2000, the Legal Immigration Family Equity Act, also known as the LIFE Act was enacted.<sup>68</sup> This act centered on uniting families rather than extending the process and keeping family units separated. It gave immigrants, who would not normally fall under a preferred category, the opportunity to adjust their status and obtain a green card.<sup>69</sup> Unlike most of the immigrant acts, the act did not base the decision to grant legal status by the method of how each immigrant entered the United States, nor did it base the decision if the person took part in unauthorized work. Instead it granted residence according to those persons who had relatives who were legal United States citizens or residents. Since the act centered on bringing families together rather than having them separated

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<sup>67</sup> *Major U.S. Immigration Laws, 1790-Present*, Migration Policy Institute, (March 2013), <http://www.migrationpolicy.org/cir>.

<sup>68</sup> Philip E. Wolgin, *5 Major Immigration Laws that the House Passed in an Election Year*, Center for American Progress, (January 9, 2014), <http://www.americanprogress.org/issues/immigration/news/2014/01/09/81849/5-major-immigration-laws-that-the-house-passed-in-an-election-year/>.

<sup>69</sup> *Green Card Through the Legal Immigration Family Equity (LIFE) Act*, U.S. Citizenship and Immigration Services, (March 23, 2011), <http://www.uscis.gov/green-card/other-ways-get-green-card/green-card-through-legal-immigration-family-equity-life-act>.

for long periods of time, the act granted temporary V Visas to spouses and children of those waiting to receive their permanent residency status.<sup>70</sup>

While the LIFE Act of 2000 dealt with immigration status issues, in 2005 a new legislation arose surrounding a different set of concerns. The 2005 REAL ID Act was passed and became the newest law to discuss security issues and the role identification cards play.<sup>71</sup> Following the attacks on September 11, 2001, national security resurfaced as the top priority with the goal to prevent future attacks. To increase security, driver's licenses and identification procedures began to be questioned. This led to the passage of the REAL ID Act in 2005. This Act establishes provisions and requirements that had not been in place before.

The REAL ID Act set up minimum requirements a person has to meet to obtain a state driver's license or identification card.<sup>72</sup> The Act limits the use of the driver's license and instead requires a different form of identification card to be used for federal purposes such as entering power plants or federal facilities. Although the implementation of this Act has been slow, it is in effect and continues to spread throughout the nation. This Act is relevant because the execution of this new system will have a major effect on everyone in the United States, especially undocumented immigrants living in the country.<sup>73</sup> Making driver's licenses and identification more difficult to obtain will affect the immigrant community and their means of travelling

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<sup>70</sup> Philip E. Wolgin, *5 Major Immigration Laws that the House Passed in an Election Year*, Center for American Progress, (January 9, 2014), <http://www.americanprogress.org/issues/immigration/news/2014/01/09/81849/5-major-immigration-laws-that-the-house-passed-in-an-election-year/>.

<sup>71</sup> *REAL ID Frequently Asked Questions for the Public*, U.S. Department of Homeland Security, (July 28, 2014), <http://www.dhs.gov/real-id-public-faqs>.

<sup>72</sup> *REAL ID Frequently Asked Questions for the Public*, U.S. Department of Homeland Security, (July 28, 2014), <http://www.dhs.gov/real-id-public-faqs>.

<sup>73</sup> Lauren McClure, *The REAL ID Act: Are You Ready for a National ID?*, The DMV Made Simple, (May 22, 2013), <http://www.dmv.org/articles/the-real-id-act-are-you-ready-for-a-national-id/>.

significantly. While this is seen as an obstacle to illegal immigrants, for those in favor of this Act it is seen as a solution to one of the many issues of the United States immigration system. The REAL ID Act of 2005 will be further discussed in this thesis, and the positive and negative effects of licensing illegal immigrants will be considered.

In 2010, The Development, Relief, and Education for Alien Minors, also known as the DREAM Act of 2010, impacted the illegal immigration community.<sup>74</sup> This Act was a step in a positive direction for the undocumented immigrant community. More importantly it affected illegal minors that had been brought to the United States and raised as Americans. As with many major legislation set in place, the time for change had come again and this time it was to help minors lead a successful and legal life in America. The DREAM Act provided the opportunity for bright young undocumented immigrants, who were raised in the United States, to be given legal status after the proper yet lengthy process. This Act sought to benefit society by allowing bright young minds to obtain legal residency; they could be fully integrated into society and given the opportunities to improve the American future. The Act gave recognition that these young people were blameless and should not be penalized for the actions of their parents. By granting these minors this chance to obtain legal residency, it allows the government to focus on more serious threats to the borders and national security.

### Controversial Legislation

The issues within the immigration system in the United States have been widely discussed in recent years and have brought forth many court cases. For example, in 2010 the

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<sup>74</sup> Luis Miranda, *Get the Facts on the DREAM Act*, The White House Blog, (December 1, 2010), <http://www.whitehouse.gov/blog/2010/12/01/get-facts-dream-act>.

State of Arizona signed into law an act called the Support Our Law Enforcement and Safe Neighborhoods Act, also known as Arizona Senate Bill 1070.<sup>75</sup> This law caused such controversy and was seen as one of the most severe anti-illegal immigration laws passed in this century. Due to such efforts made by Arizona to sign this bill into law, the United States sued the state for violating the Supremacy Clause on July 6, 2010.<sup>76</sup> In summary, the Support Our Law Enforcement and Safe Neighborhoods Act requires that all state and local law enforcement agencies of Arizona to immediately check the immigration status of any person with whom he or she has an encounter.<sup>77</sup> If any noncitizen were found without the proper immigration documentation, they would be charged with a criminal offense. Once this law was signed, it sparked arguments over whether it violated a person's civil rights and encouraged the task of racial profiling.

The constitutionality of SB 1070 was questioned and opponents turned to the courts.<sup>78</sup> A request for a preliminary injunction to enjoin Arizona from enforcing SB 1070 was filed until the constitutionality of the law could be found. One major argument made by the United States was in regard to the power to regulate immigration. This control was exclusive to the federal government and this law threatened that. The United States requested that the first six provisions

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<sup>75</sup> *Support Our Law Enforcement and Safe Neighborhoods Act of 2010*, Cornell University Law School Legal Information Institute,

[https://www.law.cornell.edu/wex/support\\_our\\_law\\_enforcement\\_and\\_safe\\_neighborhoods\\_act\\_of\\_2010](https://www.law.cornell.edu/wex/support_our_law_enforcement_and_safe_neighborhoods_act_of_2010).

<sup>76</sup> *US v. Arizona*, 641 F.3d 339 (9th Cir. 2011). (February 2015),

[http://scholar.google.com/scholar\\_case?case=5383308293843727983&q=United+States+v.+Arizona,+641+F.3d+339+%282011%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=5383308293843727983&q=United+States+v.+Arizona,+641+F.3d+339+%282011%29&hl=en&as_sdt=40006).

<sup>77</sup> *Arizona SB 1070, Legal Challenges and Economic Realities*, Immigration Policy Center American Immigration Council, (August 2011), <http://www.immigrationpolicy.org/clearinghouse/litigation-issue-pages/arizona-sb-1070%E2%80%8E-legal-challenges-and-economic-realities>.

<sup>78</sup> *Arizona SB 1070, Legal Challenges and Economic Realities*, Immigration Policy Center American Immigration Council, (August 2011), <http://www.immigrationpolicy.org/clearinghouse/litigation-issue-pages/arizona-sb-1070%E2%80%8E-legal-challenges-and-economic-realities>.

of the law be enjoined.<sup>79</sup> The district court allowed the law to go into effect but placed a preliminary injunction for enjoining enforcement of the following four provisions laid out in SB 1070:<sup>80</sup>

- Section 2(B): “require officers to make a reasonable attempt to determine the immigration status of a person stopped, detained or arrested if they possess “reasonable suspicion” that the person is unlawfully present in the United States, and require the verification of the immigration status of any person arrested prior to releasing that person.”
- Section 3: “criminalize noncitizens’ failure to apply for or carry alien registration papers”
- Section 5 (C): “bar unauthorized aliens from soliciting, applying for, or performing work”
- Section 6: “authorize the warrantless arrest of noncitizens where there is probable cause to believe the person has committed a public offense that makes the person removable from the United States”

After the district court decision had been made, authorizing the preliminary injunction of the four provisions stated above, the State of Arizona appealed basing the argument on the idea that

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<sup>79</sup> *US v. Arizona*, 641 F.3d 339 (9th Cir. 2011). (February 2015), [http://scholar.google.com/scholar\\_case?case=5383308293843727983&q=United+States+v.+Arizona,+641+F.3d+339+%282011%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=5383308293843727983&q=United+States+v.+Arizona,+641+F.3d+339+%282011%29&hl=en&as_sdt=40006).

<sup>80</sup> *Arizona SB 1070, Legal Challenges and Economic Realities*, Immigration Policy Center American Immigration Council, (August 2011), <http://www.immigrationpolicy.org/clearinghouse/litigation-issue-pages/arizona-sb-1070%E2%80%8E-legal-challenges-and-economic-realities>.

the four provisions are not likely preempted by federal law.<sup>81</sup> After the review of the district court's order, the Ninth Circuit affirmed the preliminary injunction to enjoin SB 1070's Sections 2(B), 3, 5(C), and 6.

The Supreme Court granted certiorari and heard the case on December 12, 2011. A thorough review was given of whether the four provisions of the Support Our Law Enforcement and Safe Neighborhoods Act were preempted by federal law and should be rendered invalid.<sup>82</sup> On June 25, 2012, the majority of the Supreme Court held that section 3, 5(C), and 6 were preempted by federal law.<sup>83</sup> Section 3, which would give the State the power to "criminalize noncitizens' failure to apply for or carry alien registration papers," is preempted federal law because the federal government already regulated alien registration. It would be impermissible for the State to conduct any measures in this field. Section 5(C), which would give the State the power to "bar unauthorized aliens from soliciting, applying for, or performing work," was determined by the majority opinion to preempt federal law because it would upset the balance struck by the Immigration Reform and Control Act of 1986. Under this act, violations can be punished by a \$2500 fine and up to six months of incarceration. Therefore, Section 5(C) would create an obstacle to the federal plan of regulation and control if it were to be upheld. Section 6, which would give the State the power to "authorize the warrantless arrest of noncitizens where there is

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<sup>81</sup> *US v. Arizona*, 641 F.3d 339 (9th Cir. 2011). (February 2015), [http://scholar.google.com/scholar\\_case?case=5383308293843727983&q=United+States+v.+Arizona,+641+F.3d+339+%282011%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=5383308293843727983&q=United+States+v.+Arizona,+641+F.3d+339+%282011%29&hl=en&as_sdt=40006).

<sup>82</sup> *Arizona v. US*, 132 S.Ct. 2492 (2012). (February 2015), [http://scholar.google.com/scholar\\_case?case=17891750818453472454&q=Arizona+v.+United+States,+132+S.Ct.+2492+%282012%29.&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=17891750818453472454&q=Arizona+v.+United+States,+132+S.Ct.+2492+%282012%29.&hl=en&as_sdt=40006).

<sup>83</sup> *Arizona v. US*, 132 S.Ct. 2492 (2012). (February 2015), [http://scholar.google.com/scholar\\_case?case=17891750818453472454&q=Arizona+v.+United+States,+132+S.Ct.+2492+%282012%29.&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=17891750818453472454&q=Arizona+v.+United+States,+132+S.Ct.+2492+%282012%29.&hl=en&as_sdt=40006).

probable cause to believe the person has committed a public offense that makes the person removable from the United States” was found also to be preempted by federal law. Section 6 was seen as an “obstacle to the full purposes and objectives of Congress” because the removal process of illegal aliens is assigned to the power and discretion of the Federal Government.

Section 2, which gives the State the power to “require officers to make a reasonable attempt to determine the immigration status of a person stopped, detained or arrested if they possess “reasonable suspicion” that the person is unlawfully present in the United States, and require the verification of the immigration status of any person arrested prior to releasing that person” was upheld by the majority.<sup>84</sup> This provision "likely would survive preemption," according to Justice Kennedy, if it only requires state officers to conduct status checks "during the course of an authorized, lawful detention or after a detainee has been released."

This case had a substantial impact because it made changes to the way states can police their borders and be stricter with their enforcement of immigration laws.<sup>85</sup> Although Arizona’s law was controversial, many states followed action, creating similar laws. The Support Our Law Enforcement and Safe Neighborhoods Act of Arizona and the similar laws within other states show that states are looking for ways to better combat illegal immigration and create stricter

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<sup>84</sup> *Arizona v. US*, 132 S.Ct. 2492 (2012). (February 2015), [http://scholar.google.com/scholar\\_case?case=17891750818453472454&q=Arizona+v.+United+States,+132+S.Ct.+2492+%282012%29.&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=17891750818453472454&q=Arizona+v.+United+States,+132+S.Ct.+2492+%282012%29.&hl=en&as_sdt=40006).

<sup>85</sup> Alan Gomez et al., *In Arizona State’s Wake, Other States to Forge Ahead*, USA Today, (June 25, 2012), <http://usatoday30.usatoday.com/news/washington/judicial/story/2012-06-25/supreme-court-arizona-immigration-ruling-analysis/55825582/1>.

regulations.<sup>86</sup> An alternative form of regulation is in the form of driver's licenses. These laws will be further evaluated to determine whether or not granting illegal immigrants can or should be issued driver's licenses.

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<sup>86</sup> Alan Gomez et al., *In Arizona State's Wake, Other States to Forge Ahead*, USA Today, (June 25, 2012), <http://usatoday30.usatoday.com/news/washington/judicial/story/2012-06-25/supreme-court-arizona-immigration-ruling-analysis/55825582/1>.

### Chapter 3: The History of Driver's Licenses

There was a time in this country's history when a person's name and handshake was all that was needed to ensure the validity of a transaction. There were no social security numbers or legal identification documents to prove who one was.<sup>87</sup> Over time, the system of identifying individuals has grown more complex. However, history has shown that our country has adapted to these changes by analyzing the situations and creating laws to protect the rights of citizens through a proper identification system.

According to the Department of Safety and Homeland Security, driver's licenses are one of the acceptable and primary forms of identification in this country.<sup>88</sup> They are a vital component of a holistic national security strategy.<sup>89</sup> Driver's licenses allow citizens to prove who they are. It gives legal permission to operate vehicles on the road, grants access to voting, and the ability to travel domestically. Without a form of identification in this country, a person is limited to what he or she can and cannot do. Even the simple acts of opening bank accounts, acquiring passports, and buying alcoholic beverages become more difficult tasks.<sup>90</sup>

The purpose of this thesis, whether illegal immigrants should be allowed to have driver's licenses, is a controversial topic. Contrary to popular belief, driver's licenses were not conceived

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<sup>87</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>88</sup> *Acceptable Primary and Secondary Identification*, Department of Safety and Homeland Security, <http://www.tn.gov/safety/driverlicense/dlidentify.shtml>.

<sup>89</sup> *Secure Driver's Licenses*, U.S. Department of Homeland Security, (July 28, 2014), [dhs.gov/secure-drivers-licenses](https://dhs.gov/secure-drivers-licenses).

<sup>90</sup> Wendy Underhill, *Voter Identification Requirements: Voter ID Laws*, (June 25, 2014), [ncsl.org/research/elections-and-campaigns/voter-id.aspx](https://ncsl.org/research/elections-and-campaigns/voter-id.aspx).

for the purpose to ensure drivers had training and skills on the road.<sup>91</sup> According to the National Council of Identity Policy, five decades went by after driver's licenses were created before competency requirements became widespread. Driver's licenses were first generated as a method of revenue, a tax mandated to any business or activity involving driving.<sup>92</sup>

In fact, in an 1898 Illinois Supreme Court ruling, *Chicago v. Collins*, the issuance of driver's licenses was declared "unjustifiable, unconscionable and an unconstitutional intrusion upon the rights of individuals to travel upon public ways, unhindered and unimpaired."<sup>93</sup> At that time the court's decision was to apply the requirement of a driver's license to commercial drivers. For decades, licenses were issued without any form of test or competency standards.

However, during the era of World War I, states began to require all persons operating vehicles to apply for and obtain a driver's license.<sup>94</sup> This was even more prevalent during the Great Depression when driver's licenses became a source of revenue to a country that was struggling financially. But even though licenses were seen as a form of revenue, by the time the United States entered into World War II, only about half the states required a person to obtain such identification. This was mostly due to the overall belief that mandating a license was unconstitutional and an unnecessary violation of their rights.<sup>95</sup>

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<sup>91</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>92</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>93</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>94</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>95</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

As the Cold War era began in the late 1940s, a heightened fear and suspicion were rampant in the United States and all states established the requirement of obtaining a driver's license and passing a competency test.<sup>96</sup> This change altered the purpose of the driver's license and also began its use as a source of identification. Hence, by the time President Reagan left office, not only was a person's personal identification attached to their driver's license but photographs were required as well, assuring that they could be used as a reliable form of proof of identity.

The question that frequently comes up, is whether having a driver's license is a right or a privilege? Throughout the years since the inception of the driver's license, states ignored the Illinois Supreme Court ruling of *Chicago v. Collins*.<sup>97</sup> This ruling stated that it was unconstitutional to impose licensing requirements on private citizens, implying that driving is a right, no more, no less than any other right given to citizens under our Constitution and Bill of Rights. Acting as both an identification card as well as offering many privileges to an individual, driver's licenses have become an expected norm, a necessity that people cannot live without.<sup>98</sup> This fact calls into question that every historical event that has occurred in this nation has had a domino effect leading to the present day. The necessity of the driver's license is not only to operate vehicles safely, but they are issued to access health care, transportation on airlines, and overall it is used as a form of identifying oneself to the nation.

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<sup>96</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>97</sup> *Legal History: Driver's Licenses & Identity*, The National Council on Identity Policy, [http://idhistory.ncidpolicy.org/hist\\_identity\\_dl.html](http://idhistory.ncidpolicy.org/hist_identity_dl.html).

<sup>98</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating about Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

It has been shown that the debate of whether driving is a right or a privilege has been reoccurring since the time when driver's licenses were implemented into society. The discussion can be seen once again in a case from 1953, *Thornhill v. Kirkman*.<sup>99</sup> In this case, the appellant brought a suit in equity to enjoin the suspension of his driver's license. The reason for the license suspension was because the appellant had been driving on the wrong side of the road at night and this led to an accident and the death of another. The suspension was legally made and upheld by the court because he "has committed an offense for which mandatory revocation of license is required upon conviction - Manslaughter."<sup>100</sup>

One element that is interesting in the case, *Thornhill v. Kirkman*, is the arguments about right versus privilege. The appellant argues that it "is a common right for a person to travel and operate a conveyance on a public highway under the protection of the Fourteenth Amendment of the Constitution and Section 12, Declaration of Rights, State Constitution, which requires notice and a chance to be heard before it can be taken away."<sup>101</sup> On the contrary, the appellee argues that the Director of Public Safety was "acting pursuant to legislative authority under which a driver's license is nothing more than a privilege to use the public highways as a convenience to transport goods and passengers, and that it may be denied conditionally when the user becomes a

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<sup>99</sup> *Thornhill v. Kirkman*, 62 So. 2d 740 (Fla. 1953),  
[http://scholar.google.com/scholar\\_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as_sdt=40006).

<sup>100</sup> *Thornhill v. Kirkman*, 62 So. 2d 740 (Fla. 1953),  
[http://scholar.google.com/scholar\\_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as_sdt=40006).

<sup>101</sup> *Thornhill v. Kirkman*, 62 So. 2d 740 (Fla. 1953),  
[http://scholar.google.com/scholar\\_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as_sdt=40006).

menace to the public.”<sup>102</sup> The courts in this case placed the use of a driver’s license in the category of a privilege. It stated that drivers should be held accountable for their actions and the court believes that users of the road should be careful. If one cannot utilize the road in a proper manner then it is deemed necessary to remove that privilege temporarily or permanently from their use.

The idea of rights versus privilege will be seen again throughout this thesis and discussed in further detail in regards to the growing number of illegal immigrants in the United States. Before the issues of illegal immigration in this country began, issuing a driver’s license was just a matter of the individual’s time and money. If a person met the legal requirements and paid the appropriate fee, they could obtain the “privilege” to drive with the added benefit of having proper identification.<sup>103</sup> Over time, driving examinations were incorporated and learning the rules of the road became an important element of a driver’s license. With laws arising in several states, granting illegal immigrants the ability to obtain driver’s license has created new debates regarding rights versus privilege. Illegal immigration has opened up the opportunity for legislators to look at the issues from many angles. No longer is the question “is driving a right or a privilege?”, instead the question is now “what is to be done with the millions of people that are here illegally living among ordinary citizens, working, and being educated in the public school system?” Is it “just” to overlook the fact that they have broken the nation’s immigration laws by

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<sup>102</sup> *Thornhill v. Kirkman*, 62 So. 2d 740 (Fla. 1953), [http://scholar.google.com/scholar\\_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=14831804948682133608&q=driving+is+a+privilege&hl=en&as_sdt=40006).

<sup>103</sup> *Applying for a New License (Drive 18+) in Florida*, The DMV Made Simple, (2014), <http://www.dmv.org/fl-florida/apply-license.php>.

entering illegally? Is issuing a driver's license to illegal immigrants a benefit or detriment to society?

## Chapter 4: Licenses and Societal Implications

The United States of America is a country that is known as a melting pot, founded, nurtured and built by the labor and determination of men and women from multitudes of countries. Thus for many it seems unfair to not understand the plight of those people that risk their lives and the lives of their family to come to this country. Many undocumented immigrants are seeking a better life and the ability to feed, clothe, and educate their children because they come from impoverished countries with no hope. Others come because they seek freedom, the right to worship as they wish, and to not be treated as a second-class citizen due to their sex or stature in life. Whatever the reason, those people called illegal immigrants are not much different from the English pilgrims and the Spanish, French, Italians, and Germans that came to this country and brought with them their culture, beliefs, and values.

It is true that this country was built on the back of hard working immigrants; it is also probably true that the illegal immigrants that come to this country for the most part are hardworking, loyal, honest people. Perhaps, they are so desperate for a good life that they are willing to risk breaking the law to achieve it. Whether or not the American people wish to be humanitarian and understanding is not the legal issue. The United States is a nation of laws.<sup>104</sup> The forefathers of this country, approximately two hundred and twenty-seven years ago, wrote the Constitution. The United States Constitution is the fundamental framework of America's system of government. It describes how Americans, as a people, choose to govern themselves as

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<sup>104</sup> *Constitution FAQs*, National Constitution Center, [Constitutioncenter.org/learn/educational-resources/constitution-faqs/](https://constitutioncenter.org/learn/educational-resources/constitution-faqs/)).

a nation. Citizens of this country pride themselves on their democratic process, electing individuals to represent them and fighting to maintain their rights and freedoms.

Throughout the decades, America has allowed this to be a country that still opens her arms to people of all ethnicities and to come here for whatever their reasons may be. But what is asked of these people is to enter legally through the correct procedures.<sup>105</sup> Over the past twenty years, the United States has granted permanent residency to roughly one million immigrants per year, more than any other nation<sup>106</sup>. Those numbers seem minute in comparison to the estimated twelve million illegal immigrants that are believed to be living in the United States at this time.<sup>107</sup> These individuals are foreign born, non-citizens who are not legal residents. The Department of Homeland Security estimates that approximately 27% to 57% of America's illegal population is made up of visa overstays. Along with the issue of visa overstayers, the United States has to work to minimize the number of people that "sneak" in; the people that have found their way across the border into the country with no interviews, background checks, or information on them at all. In 2012, Border Patrol agents arrested over 364,000 people attempting to illegally enter the country.<sup>108</sup> The numbers are staggering and continue to grow. Because of these facts, the federal government is attempting to find solutions to the problem of illegal immigration.

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<sup>105</sup> *The Religious Affiliation of U.S. Immigrants: Majority Christian, Rising Share of Other Faiths*, Pew Research Religion and Public Life Project, (May 17, 2013), <http://www.pewforum.org/2013/05/17/the-religious-affiliation-of-us-immigrants/>

<sup>106</sup> *Administrative Amnesty: Unjust, Costly, and an Incentive for More Illegal Immigration*, The Heritage Foundation, (August 14, 2014), <http://www.heritage.org/research/reports/2014/08/administrative-amnesty-unjust-costly-and-an-incentive-for-more-illegal-immigration>.

<sup>107</sup> *Illegal Immigration*, Center for Immigration Studies, [Cis.org/illegal](http://Cis.org/illegal).

<sup>108</sup> *Border Patrol Overview*, U.S. Customs and Border Protection, [cbp.gov/border-security/along-us-borders/overview](http://cbp.gov/border-security/along-us-borders/overview).

Illegal immigration has been a long standing problem, especially since the latter part of the twentieth century. On January 23, 1996 at the State of the Union address, President Bill Clinton stated, “We should honor every legal immigrant here, working hard to become a new citizen. But we are also a nation of laws.”<sup>109</sup> Because the United States is a nation of laws, the decision of states in the country to legalize driver’s licenses for immigrants that are illegally residing in the United States is one that has as many opponents as it has advocates. The main focus of this thesis is whether the issuance of driver’s licenses to illegal immigrants in the United States is a benefit or a detriment to society.

#### Granting Driver’s Licenses: A Benefit to Society

One of the most recent developments and the main focus of this thesis is the decision of states in this country to legalize driver’s licenses for immigrants who are illegally residing in the United States. As can be expected with any controversial issue there are many proponents as well as antagonists who are raising their voices on this argument. The question stands is whether it is a benefit or detriment to society?

Advocates in favor of allowing illegal immigrants to obtain driver’s licenses offer many arguments to justify their point of view. One of the arguments that is causing the most controversy is whether or not the roads would be a safer place for all drivers and pedestrians. Supporters of this point make the argument that it is important to give illegal immigrants the proper training and education needed. This training and education would allow them to have an

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<sup>109</sup> *1996 State of the Union Address*, Washington Post, (January 23, 1996), <http://www.washingtonpost.com/wp-srv/politics/special/states/docs/sou96.htm>.

understanding of the rules of the road and to have the necessary skills to operate a vehicle safely.<sup>110</sup>

It is also believed that society as a whole will benefit because having responsible licensed drivers on the road will decrease the number of accidents and deaths caused by unlicensed illegal immigrants.<sup>111</sup> The likelihood of hit and runs caused by illegals, fearful of the repercussions of driving unlicensed and the possibility of deportation looming over their heads, would decrease as well. The AAA Foundation for traffic safety issued a report “Unlicensed to Kill.”<sup>112</sup> This report indicates the correlation between increased licensing of drivers and increased traffic safety. The report states that “drivers who operate motor vehicle without a valid license are believed to be among the worst drivers on the road” and “unlicensed drivers are 4.9% more likely to be involved in a fatal accident than licensed drivers.”<sup>113</sup> Supporters argue that these undocumented individuals need to drive and will do so regardless of whether or not they have a license. Issuing them a driver’s license will make the roads safer but will also provide them with legal recognition.

Along with the argument for safer roads, proponents of driver’s licenses for illegal immigrants state that issuing licenses will promote the purchase of auto insurance.<sup>114</sup> As it

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<sup>110</sup> *Driver’s Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>111</sup> *Driver’s Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>112</sup> *Unlicensed to Kill*, AAA Foundation for Traffic Safety, (November 2011), <https://www.aaafoundation.org/unlicensed-kill-0>.

<sup>113</sup> *Unlicensed to Kill*, AAA Foundation for Traffic Safety, (November 2011), <https://www.aaafoundation.org/unlicensed-kill-0>.

<sup>114</sup> *Driver’s Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

stands, illegal immigrants drive out of necessity without licenses to live and work. Driving without insurance means that there is an incentive to drive away from an accident to avoid paying for the damages or getting into further trouble with the law for being uninsured. In addition, the increased number of uninsured drivers on the road leads to higher insurance rates which affect all insured drivers. Licensing will have an affect financially by charging license fees and increasing revenue, more insurance policies will be taken out, and thus more financial responsibility will be set in place if an accident does occur. Thus, it is the belief that society would be positively impacted both financially as well as by improved safety if drivers can be licensed and insured.

One of the problems that is occurring in states with a large illegal immigrant population is the confiscation of vehicles at driver's license checkpoints.<sup>115</sup> Advocates for illegal immigrants acquiring licenses state that these undocumented individuals are being taken advantage of when they are stopped by police at these checkpoints for DUI. However, although they are not necessarily driving under the influence, their vehicles are being impounded due to their lack of proper identification<sup>116</sup>. The cities profit not only through the towing fees, but also from vehicle sales when the automobiles are not picked up. Thus, if illegal immigrants are stopped at the checkpoints with legal driver's licenses and not under the influence, then this practice would be stopped.

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<sup>115</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>116</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

The threat of national security is another important issue. Supporters argue that issuing driver's licenses to illegal immigrants will allow communities to verify individual's identities with proper background checks.<sup>117</sup> This will allow the government to keep track of who the unauthorized people are and where they reside. When national security risk is brought up, advocates argue that the hijackers of September 11, 2001 did not use driver's licenses to board planes and commit their heinous acts, but rather they used foreign passports. Congress responded to the 9/11 attacks by passing the Real ID act in 2005, which requires each state to verify an individual's immigration status prior to issuing a driver's license or an ID card.<sup>118</sup> Without this verification, federal agencies will not accept the ID for "official purposes." However, states were given the option to apply for an extension due to the cost of implementing this act. Nearly a decade after the Real ID act was passed the law is not being fully enforced. Supporters of driver's licenses have quoted former White House counter-terrorism adviser, Richard Clarke, who once said, "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."<sup>119</sup>

On the other hand, supporters bring up the argument that illegal immigrants are an exploited minority in the United States and they are in fact individuals who are productive

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<sup>117</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>118</sup> *REAL ID Frequently Asked Questions for the Public*, U.S. Department of Homeland Security, (July 28,, 2014), <http://www.dhs.gov/real-id-public-faqs>.

<sup>119</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

members of society.<sup>120</sup> They contribute by working and spending in the community. A majority of them are working in jobs that Americans do not want to take due to low pay and difficult working conditions.<sup>121</sup> However, unlike legal citizens and residents, illegal immigrants lack state protection due to their status and fear of exposure. A driver's license, in their advocate's view, would offer undocumented residents a means of interacting with society and accessing state services, thus reducing their fear and overall improving their lives.<sup>122</sup> To ensure that undocumented people are less exploited, one of the proposals is to make the driver's licenses for illegal immigrants as similar to "normal" driver's licenses as possible.<sup>123</sup> They want minimal markings declaring that they are illegals and thus preventing them from being marked or discriminated against.

Ultimately, supporters argue that driver's licenses will give illegal immigrants reliable identification while providing law enforcement registered names and addresses.<sup>124</sup> Driver's licenses will document the numerous illegal immigrants and ultimately help improve national security by providing a database of individuals that are already living and working among United States citizens.

In the case *United States v. Wrenn*, Defendant Jennifer Wrenn believed that issuing licenses to immigrants benefited society and encouraged the immigrants to utilize fraudulent

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<sup>120</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>121</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>122</sup> *This House Would Give Illegal Immigrants Drivers Licenses*, International Debate Education Association, <http://www.nl.idebate.org/debatabase/debates/society/house-would-give-illegal-immigrants-drivers-licenses>.

<sup>123</sup> *Feds Reject California's Immigrant Driver License*, KPBS, (May 6, 2014), [kpbs.org/news/2014/may/06/feds-californias-immigrant-driver-license-needs-tw/](http://kpbs.org/news/2014/may/06/feds-californias-immigrant-driver-license-needs-tw/).

<sup>124</sup> *This House Would Give Illegal Immigrants Drivers Licenses*, International Debate Education Association, <http://www.nl.idebate.org/debatabase/debates/society/house-would-give-illegal-immigrants-drivers-licenses>.

documents.<sup>125</sup> She urged illegal immigrants to remain in the country and pay her to obtain fraudulent documents proving residency. The number of fraudulent documents would decrease if all immigrants, not just those with resident alien status, were granted driver's licenses because they would eliminate the need to have fraudulent documents.

The Defendant, Jennifer Wrenn, was charged with identification fraud, encouraging aliens to remain illegally in the United States, conspiracy to commit identification fraud, conspiracy to have aliens remain illegally in the United States, and money laundering<sup>126</sup>. Through the operation of her real estate agency, Jenni Wrenn Realtors, Inc., she was able to run illegal activities. These activities involved the creating of false residency and identification certification forms for illegal immigrants applying for Virginia driver's licenses and identification cards. The defendant operated several offices under her business, and her clients were illegal aliens travelling from other states where they could not obtain driver's licenses. After receiving false Virginia residency documentation and identification papers, the clients would be driven by paid drivers to the DMV to complete their test and receive their driver's license.<sup>127</sup>

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<sup>125</sup> *US v. Wrenn*, 170 F. Supp. 2d 604 (E.D. Va. 2001) (October 2014), [http://scholar.google.com/scholar\\_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as_sdt=40006).

<sup>126</sup> *US v. Wrenn*, 170 F. Supp. 2d 604 (E.D. Va. 2001) (October 2014), [http://scholar.google.com/scholar\\_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as_sdt=40006).

<sup>127</sup> *US v. Wrenn*, 170 F. Supp. 2d 604 (E.D. Va. 2001) (October 2014), [http://scholar.google.com/scholar\\_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as_sdt=40006).

DMV Special Agent Eduardo Torre, who was investigating Wrenn, followed her clients from her offices and to the DMV.<sup>128</sup> He then proceeded to stop and interview several of the clients at different Virginia DMV offices. Special Agent Torre discovered that these clients were illegal immigrants and used the information he gathered from their testimonies as further evidence to investigate Wrenn. He did not arrest the illegal immigrants and did not record their names or other information to help identify them. This led to the defendant filing a motion *in limine*, questioning “whether the government can introduce at trial hearsay statements of absent declarants when the reason for the declarants’ absence is that the state investigator who heard the statements, and through whom the government wishes to introduce the statements, made no effort to obtain the declarants’ names or contact information.”<sup>129</sup> Although this motion was granted and the declarants’ statements were not admitted into trial, this case demonstrates that laws which impact individuals may result in criminalizing activity. Were it not for illegal immigrant’s need for driver’s licenses to drive, they would not be searching for other means of obtaining them. The same can be said for the defendant Wrenn’s actions; she saw an opportunity to make money from the needs of illegal aliens and she chose to break the law in several ways. This case shows not only illegal immigrants but citizens breaking the law in the effort of illegal immigrants to obtain driver’s licenses. If states granted immigrants licenses then it would at least stop these specific types of criminal activity.

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<sup>128</sup> *US v. Wrenn*, 170 F. Supp. 2d 604 (E.D. Va. 2001) (October 2014), [http://scholar.google.com/scholar\\_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as_sdt=40006).

<sup>129</sup> *US v. Wrenn*, 170 F. Supp. 2d 604 (E.D. Va. 2001) (October 2014), [http://scholar.google.com/scholar\\_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=2086153941580389323&q=united+states+v.++wrenn,+170+F.Supp.2d+604&hl=en&as_sdt=40006).

### Denying Driver's Licenses: A Detriment to Society

On the other side of the argument rest the citizens and legal residents of this country that oppose issuing driver's licenses to illegal immigrants. The previous issue discussed was traffic safety, which is an issue that affects everyone in society. It affects the people in society because at one point or another, most people are either drivers or passengers in vehicles. Opponents have brought up a report issued by AAA Foundation for Traffic Safety which was released in 2011.<sup>130</sup> This report analyzed traffic accidents and the data collected by the National Highway Traffic Safety Administration's Fatality Analysis Reporting System database. The analysis revealed indicated that between 2007 and 2009 less than 5 percent of the drivers that were involved in fatal car accidents were unlicensed.<sup>131</sup> In fact "more than 95 percent of all drivers involved in fatal car accidents were licensed drivers or drivers whose licenses were suspended, revoked, expired, cancelled, or denied."<sup>132</sup> It is argued that issuing driver's licenses to illegal immigrants is lowering the country's standards. Supporters of this argument claim that to make roads safer the states should discourage illegal immigrants and other unlicensed people from driving in the first place and create more stringent laws and consequences, rather than continue on this road of leniency and complacency.

Along with traffic safety is the argument surrounding auto insurance. The two are tied together because no one wants to get into an accident; but if there is an accident, those injured definitely want the other person to be insured. Opponents argue that allowing illegal immigrants

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<sup>130</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>131</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

<sup>132</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

to obtain driver's licenses will not guarantee that they will purchase insurance.<sup>133</sup> Even though it is a requirement of many states that auto insurance be purchased by all motorists, opponents do not believe that this will make a difference. In their view, these individuals already break the law by merely being in this country, so chances are that they will not obey the insurance requirement. They could purchase insurance and cancel it the next day. Another reason opponents believe this, is because illegal aliens are typically low income individuals. Purchasing insurance would be a financial burden that they are unlikely to assume.<sup>134</sup>

The argument against licensing is further substantiated by the fact that New Mexico, which began issuing driver's licenses to illegal immigrants in 2003, is ranked as one of the states with the most uninsured drivers. So after over a decade of time, the Insurance Research Council reports that New Mexico consistently registers nearly twice the national average for uninsured drivers.<sup>135</sup> However, the Insurance Research Council does explain that it is a very difficult problem to analyze because of the lack of information on undocumented immigrants and the fluctuation that is caused in the data from the rise and fall in the economy. Another state, Colorado, which granted the ability to obtain driver's licenses in 2013, is another state with a large problem of uninsured drivers. In the year 2014, according to a report done by the Insurance Research Council, Colorado was named among the top ten states with the most uninsured

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<sup>133</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

<sup>134</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

<sup>135</sup> Joseph J. Kolb, *Undocumented Immigrant Drivers License Law Fails to Boost Number of Insured*, Fox News Latino, (September 9, 2012), <http://latino.foxnews.com/latino/politics/2012/09/09/new-mexico-undocumented-driver-license-law-fails-to-raise-number-insured/>.

motorists.<sup>136</sup> In 2012, one out of every six drivers was driving unlicensed in Colorado, amounting to about 16.2% or 600,000 drivers; this is the ninth worst ration in the country. It is even believed that uninsured drivers are often times linked to hit-and-run cases. In the year 2014, Colorado reported about 5,447 hit-and-run cases, about 14.9 per a day. These statistics show that the number of insured drivers will not necessarily rise because illegal immigrants are granted the opportunity to obtain driver's licenses. There is no guarantee that these newly licensed drivers will obtain insurance.

National security risk has never been a greater concern as it has been after the 9/11 attacks. The terrorists involved in these attacks had driver's licenses or state non-driver issued identification cards in their possession. Even though advocates point out that they used foreign passports to board the fated planes, these individuals were able to obtain places to live, open bank accounts, and plan their deeds with the convenience of having identification that made them blend into society. Opponents to granting illegal immigrants driver's licenses stand firm in their argument that issuing a driver's license makes this group of people more invisible to enforcement authorities.<sup>137</sup> Each state has different requirements that illegal immigrants have to comply with to get the licenses. The concern opponents have is that fraudulent behavior could occur. According to Governor Susana Martinez in New Mexico there is approximately 49,000 undocumented immigrants, however 80,000 licenses have been issued to foreign nationals who

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<sup>136</sup> Aldo Svaldi, *Premiums fall, but number of uninsured drivers is rising in Colorado*, The Denver Post, (August 13, 2014), [http://www.denverpost.com/business/ci\\_26331126/premiums-fall-but-number-uninsured-drivers-is-rising](http://www.denverpost.com/business/ci_26331126/premiums-fall-but-number-uninsured-drivers-is-rising).

<sup>137</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

are not from the state.<sup>138</sup> Authorities have busted fraud rings connected to forging documents for illegal aliens from Illinois, North Carolina, and other states using fake utility bills to obtain New Mexico driver's licenses.

In another example, 48 foreign born individuals claimed to live at a smoke shop in Albuquerque to fulfill state residency requirements.<sup>139</sup> Thus, the Federation for American Immigration Reform (FAIR) stands firm that granting illegal immigrants' licenses does not improve national security. The many publicized reports of arrest where undocumented individuals are abusing the system prove that "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."<sup>140</sup> The main concern that opponents have regarding this issue is the fact that unlike legal immigrants, people that cross the borders without going through the immigration process are not being subject to stringent background checks or face-to-face interviews to determine if they are a threat to this country.<sup>141</sup>

In addition to the fear that undocumented immigrants will commit fraud to obtain a license, the fear also exists that the states that grant driver's licenses will become magnets for more illegal immigrants to emigrate. This can cause added financial burdens to state public services and local hospitals, and affect the economy by decreasing available jobs as well as

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<sup>138</sup> Darin LaHood, *LaHood: Giving Driver's Licenses to Illegal Immigrants is Bad Public Policy*, Illinois Review, (December 11, 2012), [illinoisreview.typepad.com/illinoisreview/2012/12/lahood-giving-drivers-licenses-to-illegal-immigrants-is-bad-public-policy.html](http://illinoisreview.typepad.com/illinoisreview/2012/12/lahood-giving-drivers-licenses-to-illegal-immigrants-is-bad-public-policy.html).

<sup>139</sup> Regina Garcia Cano, *Fraud Concerns Linger Over New Illinois License Law*, USA Today, (January 27, 2013), [usatoday.com/story/news/nation/2013/01/27/concern-ill-license-law/1868091/](http://usatoday.com/story/news/nation/2013/01/27/concern-ill-license-law/1868091/).

<sup>140</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>141</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

lowering wages.<sup>142</sup> In fact other states that are not granting licenses to illegal immigrants can be consequently affected if they grant recognition of sister state's driver's licenses in their states. It is also a concern that many states want the actual driver's license issued to be similar to a "normal" driver's license. California's proposed design does not meet national security standards according to the Department of Homeland Security (DHS).<sup>143</sup> DHS informed California that the driver's license must indicate that it cannot be used as federal identification and should be a unique color and design but California is pushing to make it as similar as possible to avoid discrimination. Opponents argue that national security is of utmost importance and this attempt at avoiding discrimination should not be of concern but rather the safety of society ranks higher.

One of the arguments opponents are most concerned with is that granting driver's licenses to illegal immigrants is rewarding lawbreakers. Accommodating and satisfying the needs of people that entered this country illegally only encourages others to do the same. This country's immigration process is often lengthy and tedious but it is a necessary process that needs to be fulfilled. This procedure is important to not only maintain national security but to keep a standard of control and accountability needed to run the government.<sup>144</sup> Granting driver's license to illegal immigrants is also seen as an insult to every immigrant that has taken the due diligence in following the United States laws. Opponents want the laws of this country to be upheld, not to have exceptions made because a situation has become overwhelming or seemingly out of control. Either the United States of America is a nation of laws or it is not. Opponents

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<sup>142</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

<sup>143</sup> *Feds Reject California's Immigrant Driver License*, KPBS, (May 6, 2014), [kpbs.org/news/2014/may/06/feds-californias-immigrant-driver-license-needs-tw/](http://kpbs.org/news/2014/may/06/feds-californias-immigrant-driver-license-needs-tw/).

<sup>144</sup> *Illegal Alien Driver's Licenses: Talking Points*, Federation for American Immigration Reform, <http://www.fairus.org/legislation/FAIR%20Illegal%20Alien%20Driver%27s%20Licenses.pdf>.

believe that the government should not endorse the actions of illegal immigrants; by recognizing them and granting a driver's license they are being given a stamp of approval and condoning their actions.<sup>145</sup> Due to the high number of illegal immigrants in the country, states have begun to grant the privilege of obtaining a driver's license to create order and stricter regulations. However, other methods could be implemented to avoid having to create such laws. Opponents of these laws believe the government should hold employers to a higher standard.<sup>146</sup> Implementing stricter and more costly fines to employers when it is discovered that they are hiring illegal immigrants could be the first step in a long line of immigration issues. The majority of illegal immigrants come to the United States to work. If those employers that hired these illegal workers were given larger fines, perhaps it would force them to provide wages that are fair to citizens and that are taxed as the law dictates. This might create a domino effect and deter illegal immigrants from seeking work in the United States.

One specific issue is that licensing would change the way law enforcement agencies conduct their duties. If an illegal immigrant were driving unlicensed and was pulled over for a traffic violation, the police officer would then be permitted to ask the driver for proper identification. However, if the illegal immigrant could not prove his identity and legal residency, the officer would then have probable cause to conduct a further search into the person's identity. Depending on the circumstances of the case, this search by the officer could potentially lead to

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<sup>145</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>146</sup> *Strengthening Enforcement, Cracking Down on Employers Hiring Undocumented Workers*, The White House, (November 20, 2014), <https://www.whitehouse.gov/issues/immigration/strengthening-enforcement>.

the deportation process of the unlicensed driver. In situations such as these, the officer may arrest the driver for driving without a license as well as refer him for immigration violations.<sup>147</sup>

One example of this type of situation can be found in *United States of America v. Fidel Diaz-Quintana*, also known as Saul Rojo-Flores, also known as Miguel Martinez-Gonzales, also known as Miguel Joe Martinez.<sup>148</sup> On August 22, 2008 at 2:30PM North Dakota Highway Patrol Trooper Christopher Messer stopped a driver for speeding at 88mph in a 75mph zone. The driver identified himself as Fidel Diaz-Quintana. He then produced a Mexican identification card and explained that he and his son were travelling from a funeral in North Dakota and heading back to Washington State in a borrowed vehicle. Trooper Messer then proceeded to contact the United States Border Patrol. Messer also contacted another officer with his drug dog to come to the scene suspecting possible drug trafficking. At 3:00PM Border Patrol Officer Mark Bane contacted Messer and then spoke to Diaz-Quintana. Diaz-Quintana said to Bane that he entered the country under a legal Mexican passport but left all his documents in Washington. The search for drugs was completed without finding anything in the vehicle and Diaz-Quintana was issued a speeding ticket. However he was not released to leave. At 3:10PM Bane contacted Messer once again to confirm that the name Diaz-Quintana gave was in fact the name on his passport. After

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<sup>147</sup> *US v. Quintana*, 623 F. 3d 1237 (8th Cir. 2010) (October 2014), [http://scholar.google.com/scholar\\_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+MartinezGonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+MartinezGonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as_sdt=40006).

<sup>148</sup> *US v. Quintana*, 623 F. 3d 1237 (8th Cir. 2010) (October 2014), [http://scholar.google.com/scholar\\_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+MartinezGonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+MartinezGonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as_sdt=40006).

finding no such immigration information on Diaz-Quintana, Bane asked Messer to take the driver into custody at 3:20PM.

The next day, Border Patrol found that Diaz-Quintana had previously been deported twice under the name Saul Rojo-Flores. He also had two prior drug convictions and was not granted permission to reenter the United States<sup>149</sup>. While in custody, Diaz-Quintana waived his right to speak with the Mexican Consular and waived his Miranda Rights. He then proceeded to tell the details of his reentrance in the country. After being indicted, Diaz-Quintana attempted to suppress his incriminating statements along with the identity evidence obtained while in the custody of Border Patrol. The district court denied his motion without an evidentiary hearing.

The defendant, Diaz-Quintana, pled guilty to entering the country illegally after already having been deported following his felony conviction.<sup>150</sup> The defendant appealed his denial of motion to suppress during the trial on the grounds that he was held longer than the twenty-four hours allowed for a traffic stop and that there was a lack of probable cause for the arrest. The defendant argued that according to the 4<sup>th</sup> Amendment, a law enforcement officer can only hold a possible illegal immigrant for the amount of time it takes to question him or her.

It was concluded that all was conducted in the proper manner. Officer Messer questioned Diaz-Quintana's identity and after finding nothing to prove legal residency or citizenship,

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<sup>149</sup> *US v. Quintana*, 623 F. 3d 1237 (8th Cir. 2010) (October 2014), [http://scholar.google.com/scholar\\_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+MartinezGonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+MartinezGonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as_sdt=40006).

<sup>150</sup> *US v. Quintana*, 623 F. 3d 1237 - Court of Appeals, 8th Circuit 2010, [http://scholar.google.com/scholar\\_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+Martinez-Gonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as\\_sdt=40006](http://scholar.google.com/scholar_case?case=9708606084502768053&q=United+States+of+America+v.+Fidel+Diaz-Quintana,+also+known+as+Saul+Rojo-Flores,+also+known+as+Miguel+Martinez-Gonzales,+also+known+as+Miguel+Joe+Martinez+%28623+F.3d+1237%29&hl=en&as_sdt=40006).

contacted the U.S. Border Patrol. Border Patrol Agent Bane then conducted his search in the proper manner by speaking with Diaz-Quintana. After receiving no information as to the driver's true identity, Messer took Diaz-Quintana into custody. The steps that were taken were taken because there was probable cause to believe that Diaz-Quintana was illegally in the United States. So the judgment of the district court was affirmed.

This case shows the effect that law enforcement agencies have by not granting driver's licenses to illegal immigrants. Under the recent California statute granting driver's licenses, illegal immigrants would be authorized to drive as long as they are carrying a specific driver's license showing proof of illegal residency<sup>151</sup>. According to section §12801.9(j) "A license issued pursuant to this section shall not be used to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention." Hypothetically had Diaz-Quintana been carrying a license under this statute, Trooper Messer would not have been able to detain him for longer than would be necessary to conduct the traffic stop. In this case, because Diaz-Quintana was driving unlicensed, Trooper Messer found probable cause that Diaz-Quintana was not permitted to be in the United States.

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<sup>151</sup> *V C Section 12801.9 Verification of Identity and Residency*, California Department of Motor Vehicles, (October 2014), <https://www.dmv.ca.gov/portal/dmv/detail/pubs/vctop/vc/d6/c1/a3/12801.9/>.

## Chapter 5: Analysis of Florida Law

Throughout the United States, the controversy of whether or not to grant driver's licenses to illegal immigrants has been ongoing. Along with other states, the State of Florida has experienced such debates in recent years. This chapter will discuss the requirements necessary towards obtaining a license as well as the different proposals in the State of Florida.

### Requirements for Obtaining a Driver's License for Florida Residents

In Florida, a resident must go through a series of steps to obtain a driver's license.<sup>152</sup> Florida's minor residents must first obtain a Restricted License, also known as a Learners Permit. This permit can be obtained once a teenager reaches the age of 15. At that point they are eligible to drive, so long as they have fulfilled the necessary requirements. First, they must complete a required online course called DATA: Drugs, Alcohol, Traffic Awareness, along with passing the written exam on road signs and rules.<sup>153</sup>

The Department of Motor Vehicle examination must be taken by any and all person applying for a driver's license.<sup>154</sup> This exam is composed of fifty questions and broken down into two separate parts. The first part regards road signs and the second is regarding road rules. To pass this test, a person must get at least forty questions correct total before a driver's license can be granted.

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<sup>152</sup> *Florida Drivers License*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license.shtml>.

<sup>153</sup> *Learner Permit Answers*, DMV Florida, (2014), <http://www.dmvflorida.org/learners-permit.shtml>.

<sup>154</sup> *Learner Permit Answers*, DMV Florida, (2014), <http://www.dmvflorida.org/learners-permit.shtml>.

Once the educational requirements and exam have been completed and passed, the Florida resident can then go to the DMV and obtain a license.<sup>155</sup> A person who has reached the age of 18 is not required to have a learners permit. One is then eligible to immediately obtain a driver's license so long as the mandatory course and tests have been completed before scheduling the behind-the-wheel test with the DMV. When a person goes to receive his or her license they must bring the following: proof of course completion, cash or check of \$48 to pay for permit, parental consent of authorization for minor to drive signed in the presence of the DMV or notarized beforehand, proof of identity, proof of social security number and finally proof of residential address. Those residents under the age of 18 may be eligible to take the behind-the-wheel examination to receive their driver's licenses after one full year of having the restricted license.<sup>156</sup>

Once a minor resident has completed a year of driving under the restrictions of the learner's permit or if a Florida resident is over the age of 18, he or she would then be able to obtain a driver's license for the first time at the DMV and take the behind-the-wheel exam. If they have completed the online course, have passed the written exam, and the driving exam, the resident can then receive a license. Similar to the learner's permit, one must show proof of identity through a form of identification such as a United States passport or original birth certificate. The resident must also show proof of social security or proof of residency.<sup>157</sup> These

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<sup>155</sup> *Drivers Permits in Florida*, DMV.org, (2014), <http://www.dmv.org/fl-florida/drivers-permits.php>.

<sup>156</sup> *Learner Permit Answers*, DMV Florida, (2014), <http://www.dmvflorida.org/learners-permit.shtml>.

<sup>157</sup> *Drivers Permits in Florida*, DMV.org, (2014), <http://www.dmv.org/fl-florida/drivers-permits.php>.

requirements under the Florida Statutes, Chapter 322.08 must be presented at the time one is attempting to get a driver's license.<sup>158</sup>

#### Requirements for Obtaining a Driver's License for Non-U.S. Citizens in Florida

Due to the extensive requirements necessary to receive a driver's license in Florida, it would be unlikely for any illegal immigrant to receive a driver's license. However, non-United States citizens who are residing in the country legally can have access to driver's license as long as they fulfill specific requirements that are similar to the requirements necessary of citizens. There is required documentation in the State of Florida that one must have to begin a non-citizen's process.<sup>159</sup> Along with that, there are different requirements for those staying legally under an immigrant visa and those staying under a non-immigrant visa.

An immigrant visa is awarded to those immigrants who have left their home country and wish to live permanently in the United States.<sup>160</sup> Under this visa, those persons are required to present a valid birth certificate from one's home country or a social security number if those were issued.<sup>161</sup> They must also show two forms of proof of address and one of the following documents in its original form or a certified copy<sup>162</sup>:

- Valid Alien Registration receipt card, (Green card, Form I-551)
- I-551 stamp in passport or on I-94

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<sup>158</sup> §322.08, Fla. Stat. (2014).

<sup>159</sup> *Drivers License for Non US Citizens*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license-nc.shtml>.

<sup>160</sup> *Immigrant Visas vs. Nonimmigrant Visas*, U.S. Customs and Border Patrol, (2014), [https://help.cbp.gov/app/answers/detail/a\\_id/72/~/immigrant-visas-vs.-nonimmigrant-visas](https://help.cbp.gov/app/answers/detail/a_id/72/~/immigrant-visas-vs.-nonimmigrant-visas).

<sup>161</sup> *Drivers License Identification Requirements*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license-identification.shtml#top>.

<sup>162</sup> *Drivers License Identification Requirements*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license-identification.shtml#top>.

- Immigration Judges Order, with the customer's A-number, granting asylum
- I-797, with the customer's A-number, stating the customer has been granted asylum
- I-797 or another form from the Bureau of Citizenship and Immigration Services, with the customer's A-number, stating the customer's application for Refugee status is approved

Those who are residing in the United States under a non-immigrant visa are considered immigrants who wish to reside in America for temporary reasons such as health purposes which require medical treatment, visiting as tourists, or the need to reside temporarily for work or education.<sup>163</sup> Just like those immigrants applying for a driver's license under an immigrant visa, nonimmigrants must provide a valid birth certificate from their home country or a social security card if they were issued one.<sup>164</sup> They are also required to provide two forms of proof of their residential address in order to issue a driver's license. Additionally, a nonimmigrant must provide one of the following documents in its original form or as a certified copy in order to complete the initial step to getting a Florida driver's license<sup>165</sup>:

- Employment authorization card issued by the United States Department of Homeland Security (Form I688B or I-766); or
- Proof of nonimmigrant classification provided by United States Department of Homeland Security (Form I-94, not expired, with required supporting attachment(s)).

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<sup>163</sup> *Immigrant Visas vs. Nonimmigrant Visas*, U.S. Customs and Border Patrol, (2014), [https://help.cbp.gov/app/answers/detail/a\\_id/72/~/immigrant-visas-vs.-nonimmigrant-visas](https://help.cbp.gov/app/answers/detail/a_id/72/~/immigrant-visas-vs.-nonimmigrant-visas).

<sup>164</sup> *Drivers License Identification Requirements*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license-identification.shtml#top>.

<sup>165</sup> *Drivers License Identification Requirements*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license-identification.shtml#top>.

When the person seeking a license holds a visa, the process of obtaining a license can take up to thirty days after legal status has been verified.<sup>166</sup> Once all documentation has been confirmed and verified, the process of getting a driver's license will then begin and the license will be sent from Tallahassee, Florida, via mail once approval has been gained.

### The State of Florida: Concerns and Propositions

Florida is a state that attracts attention to itself merely by being called the “Sunshine State”. In 2013, 94.7 million tourists came to enjoy all that Florida has to offer.<sup>167</sup> Tourism is often called the backbone of the Florida economy. But Florida has had its share of being in the limelight for many other reasons, from problems with elections to controversial criminal trials. Within the last few years, Florida has joined the ranks with many other states when it comes to problems dealing with immigration.<sup>168</sup> In 2013, 990,553 people were granted lawful permanent residence in the United States, and Florida had 10.4% of that share. According to the Department of Homeland Security, in 2012 there were an estimated 11.4 million illegal immigrants in this country. The top countries of origin for these unauthorized immigrants are the Hispanic countries of Mexico, El Salvador, Guatemala, Honduras and then the Philippines. Florida ranked third in 2012 for being one of the states with the largest number of undocumented people.

Illegal immigration has remained a much discussed topic in the United States because even though it affects a handful of states more than others, it is a problem that affects the nation

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<sup>166</sup> *Drivers License Identification Requirements*, DMV Florida, (2014), <http://www.dmvflorida.org/drivers-license-identification.shtml#top>.

<sup>167</sup> *Gov. Rick Scott: Another Record Year for Florida Tourism*, Rick Scott 45<sup>th</sup> Governor of Florida, (October 2014), <http://www.flgov.com/gov-rick-scott-another-record-year-for-florida-tourism-2/>.

<sup>168</sup> CNN Library, *Immigration Statistics Fast Facts*, CNN U.S., (September 6, 2014), <http://www.cnn.com/2013/11/06/us/immigration-statistics-fast-facts/>.

as a whole.<sup>169</sup> Since the attacks on 9/11, the citizens of the United States have had to face the fear of terrorism, and national security has been a constant concern. The government and politicians are working on solutions to deal with the ever growing number of unauthorized individuals crossing the borders or remaining past the allotted time on their visas. They are also attempting to deal with those that legally come to this country like the 9/11 terrorists; according to an ABC news report, they would have never been allowed entry if their visa applications had been scrutinized carefully.<sup>170</sup> It is no wonder that citizens raise their voices in concern and frustration when problems are found with immigration laws and regulations. When the issues related to illegal immigration are added to the conundrum, such as people crossing the borders and remaining in the country with no accountability, the concerns are heightened.

According to the United States Census bureau, Hispanics make up 23.6% of the 2013 population in Florida.<sup>171</sup> Taking into account that the State of Florida was ranked third in the nation for the highest number of undocumented immigrants, there is a great deal to talk about regarding immigration.<sup>172</sup> Recently there have been many articles expressing the views of Florida residents, politicians, and undocumented immigrants regarding the need for allowing illegal immigrants access to driver's licenses.

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<sup>169</sup> Jason Villedomez, *9/11 to Now: Ways We Have Changed*, PBS Newshour, (September 14, 2011), <http://www.pbs.org/newshour/rundown/911-to-now-ways-we-have-changed/>.

<sup>170</sup> Martha Raddatz, *State Department Lapses Aided 9/11 Hijackers*, ABC News, (October 23, 2011), <http://abcnews.go.com/WNT/story?id=130051>.

<sup>171</sup> *State and County Quickfacts*, United States Census Bureau, (July 8, 2014), <http://abcnews.go.com/WNT/story?id=130051>.

<sup>172</sup> CNN Library, *Immigration Statistics Fast Facts*, CNN U.S., (September 6, 2014), <http://www.cnn.com/2013/11/06/us/immigration-statistics-fast-facts/>.

In the Miami Herald on September 14, 2014, an article appeared showing the support that Gubernatorial Democratic challenger, Charlie Crist, was giving to the effort being led by Maria Bilbao and Amrry Gonzalez, two undocumented immigrants from Latin America.<sup>173</sup> These individuals argue that not having a driver's license adds to their never ending fear of deportation. If they are caught driving without one they face arrest and deportation. They also expressed that a driver's license is a necessary tool to live a normal life, to travel, rent homes, and acquire jobs.

Another article in the Tampa Bay news discusses the Florida Immigrant Coalition (FLIC) which is one of several groups calling on lawmakers to allow undocumented immigrants on the road.<sup>174</sup> The FLIC argues that allowing driver's licenses to be issued to undocumented immigrants would lower insurance costs for drivers and help the economy because more cars would be sold. In that same Sarasota area, CBS reported protestors gathered on July 14, 2014 to fight for the same cause.<sup>175</sup> A group called Living with Angels held signs asking legislators to change the law. They argued that the roads would be a safer place if illegal immigrants were allowed to get driver's licenses because there would be fewer hit and run accidents. They argued that more insurance would be purchased; this would boost the economy and help insurance companies due to the fact they are selling more insurance.

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<sup>173</sup> Alfonso Chardy, *Florida Activists: Let Undocumented Immigrants Apply for Driver's Licenses*, (September 14, 2014), <http://www.miamiherald.com/news/local/immigration/article2105192.html>.

<sup>174</sup> Garin Flowers, *Undocumented Immigrants Push for Driver's Licenses*, Tampa Bay Sarasota 10 News, (September 15, 2014), <http://www.wtsp.com/story/news/politics/2014/09/15/activists-renew-push-driver-licenses-undocumented-immigrants/15688639/>.

<sup>175</sup> *Protesters Want Florida to Allow Illegal Immigrants to Obtain Driver's Licenses*, CBS Tampa Bay, (July 14, 2014), <http://tampa.cbslocal.com/2014/07/14/protesters-want-florida-to-allow-illegal-immigrants-to-obtain-drivers-licenses/>.

Florida's Governor, Rick Scott has also weighed in on the controversy. In an article in May 2014, the Herald Tribune discussed his views in favor of providing undocumented immigrants with in state tuition and allowing law school graduates to practice law in Florida.<sup>176</sup> However Governor Scott has not shown support for the issuance of driver's license to these unauthorized individuals. In fact Scott vetoed the "Dream Act Driver License" law that would have granted children of illegal immigrant's temporary Florida driver's licenses. In another article, the Miami Herald discussed Governor Scott's reasons for not supporting the Dream Act Driver's License law. He stated that "he rejected the President's policy because it did not have the force of law."<sup>177</sup> In July of 2014, USA Today also brought Florida into the news discussing Governor Rick Scott again and his hard stance against illegal immigrants in the 2010 election but his decisions regarding in-state tuition.<sup>178</sup>

Florida's west coast appeared in the news once more when an article written in a political newsletter reported another activist group called Raices en Tampa (translation meaning Roots in Tampa) that peacefully gathered in favor of the driver's license issue.<sup>179</sup> They argued that the illegal population is a hardworking group of people that are tired of living in fear of deportation, and a driver's license would bring the legitimacy they need to decrease that fear.

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<sup>176</sup> Lloyd Dunkelberger, *Scott's Evolving Stance on Immigration Issues*, Herald Tribune, (May 1, 2014), <http://politics.heraldtribune.com/2014/05/01/scotts-evolving-stance-immigration-issues/>.

<sup>177</sup> Steve Bousquet, *Driver's Licenses for Undocumented Immigrants' Kids Vetoed by Governor Rick Scott*, Miami Herald, (June 4, 2013), <http://www.miamiherald.com/news/politics-government/article1952188.html>.

<sup>178</sup> Jake Grovum, *Drawing Undocumented Immigrants Out of the Shadows*, USA Today, (July 17, 2014), <http://www.usatoday.com/story/news/nation/2014/07/17/stateline-immigration-undocumented-bills/12775925/>.

<sup>179</sup> Ashley Whitney, *Raices en Tampa Asks City Council to Support Licenses for all Undocumented Immigrants*, CL Tampa Bay, (October 16, 2014), [http://cltampa.com/politicalanimal/archives/2014/10/16/raices-en-tampa-asks-city-council-to-support-licenses-for-all-undocumented-immigrants#.VEQfK\\_nF9p8](http://cltampa.com/politicalanimal/archives/2014/10/16/raices-en-tampa-asks-city-council-to-support-licenses-for-all-undocumented-immigrants#.VEQfK_nF9p8).

All of these articles are evidence that Florida is in the hot seat and in the eyes of the nation and has been for a while. Many of the articles discuss the bipartisan issues that surround this problem. Most of them show the passion that exists among the Hispanic communities in Florida and their desire to peacefully resolve their dilemmas and improve their way of life. A common thread that can be seen in Florida news is that illegal immigration and issuing driver's licenses are not going to go away. Politicians, citizens and non-citizens must work together to reach a solution that works for this country whether it is stricter laws or more lenient ones.

## Chapter 6: Other State Law Comparisons

Over two decades have passed since the issue of whether or not to grant driver's licenses to illegal immigrants has begun. Since that time, ten states (California, Colorado, Connecticut, Illinois, Maryland, New Mexico, Nevada, Utah, Vermont, and Washington), the District of Columbia, and the territory of Puerto Rico have created and signed into law similar legislation to allow licensing of illegal immigrants.<sup>180</sup> Although there are many similarities between the laws, there are some differences that will be addressed in this section.

There are several similarities found among the laws. All of the states first require that the illegal immigrant provide proof of identification in the form of either a valid foreign passport, a valid consular identification document, a valid motor vehicle operator's license issued by another state or country, a valid foreign voter's registration, or a marriage certificate issued by any state.<sup>181</sup> The second common element between the laws is the requirement to establish proof of residency. This proof of residency can be in the form of a dated piece of mail or electronic mail that includes the applicant's name and address. It would need to indicate the state in which they currently reside in. Another proof of residency could be in the form of a pre-printed pay stub, a homeowner's insurance policy, or a tax bill.

The driver's license itself would have an important and required distinction among every state. When printing the license, it must have written that the identification is "Not for Federal

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<sup>180</sup> *10 States (and DC) That Allow Driver's Licenses for People in the Country Illegally*, ProCon Illegal Immigration Solutions, (April 2, 2014), <http://immigration.procon.org/view.resource.php?resourceID=005535>.

<sup>181</sup> *10 States (and DC) That Allow Driver's Licenses for People in the Country Illegally*, ProCon Illegal Immigration Solutions, (April 2, 2014), <http://immigration.procon.org/view.resource.php?resourceID=005535>.

Use” in some variation.<sup>182</sup> By printing this phrase on the license, it would prohibit the illegal immigrant from using it for voting or for the purpose to obtain federal benefits. The laws also prohibit any form of discrimination against these drivers. Law enforcement officers cannot use the driver’s illegal presence shown on their license as cause for detention or any form of discrimination.<sup>183</sup> A final similarity between these state laws is the restriction of granting this driver’s license to anyone who has committed a felony. Any person who has committed a felon would be automatically ineligible to receive this privilege.

There are some differences between the laws of the states as well. One major variation is the expiration of the driver’s license, meaning how long they have until they must renew the license.<sup>184</sup> For example, Vermont’s license would remain valid for two years, while Washington, D.C.’s license would not expire for eight years. The driver’s license issued in Utah and Nevada would only be good for one year before requiring renewal while the license from the state of Illinois would remain valid for three years. All of the states have different requirements in regards to expiration. Similarly, the states have different requirements for terms of residency.<sup>185</sup> For example, the illegal immigrant would have to show proof that he or she was living in Washington, D.C. for more than six months before being eligible to obtain a license. In the State of Colorado, one would have to prove that he or she was living in the state for at least twenty-four months while those living in the State of Illinois must show proof that he or she has resided

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<sup>182</sup> *10 States (and DC) That Allow Driver's Licenses for People in the Country Illegally*, ProCon Illegal Immigration Solutions, (April 2, 2014), <http://immigration.procon.org/view.resource.php?resourceID=005535>.

<sup>183</sup> *10 States (and DC) That Allow Driver's Licenses for People in the Country Illegally*, ProCon Illegal Immigration Solutions, (April 2, 2014), <http://immigration.procon.org/view.resource.php?resourceID=005535>.

<sup>184</sup> *10 States (and DC) That Allow Driver's Licenses for People in the Country Illegally*, ProCon Illegal Immigration Solutions, (April 2, 2014), <http://immigration.procon.org/view.resource.php?resourceID=005535>.

<sup>185</sup> *10 States (and DC) That Allow Driver's Licenses for People in the Country Illegally*, ProCon Illegal Immigration Solutions, (April 2, 2014), <http://immigration.procon.org/view.resource.php?resourceID=005535>.

in the state for at least one year. Although there are some differences, it can be seen that each law follows a similar pattern of requirements and restrictions. Therefore, if the State of Florida or any future state chose to adopt this type of law, granting driver's licenses to illegal immigrants, it would probably shadow the guidelines laid out in many of these laws and have similar requirements. See Appendix A for more information on current state laws regarding illegal immigrants and driver's licenses.

## **Chapter 7: Conclusion and Recommendations**

The United States of America, by the mere title would signify that its people are always united. However, ten minutes watching the *World Nightly News* would convince any viewer that the United States is far from being united in our views. From politics to religious and social issues, there are as many opinions as there are people. One of the greatest aspects of this country is the fact that there is freedom of speech and freedom of the press and those opinions can be heard. This freedom provides the citizens and non-citizens of this country the opportunity to raise their voice, stand on a street corner, vote their conscious, or their heart. It also allows the individuals who have chosen journalism as their life path, the forum to bring the day-to-day news and controversy to people's living rooms. The controversy and the topic of this thesis is whether or not undocumented immigrants should be issued driver's licenses. This is an incredibly tough and volatile topic in this country because it is laden with emotion.

The United States might be a young country compared to most countries in this world; however, it is proud of its beginnings. Early in elementary school education, children begin to learn of how this country came to be. The United States of America was started by immigrants looking for a safe place where they could be free to worship as they saw fit or to seek a better life. Some came to escape poverty, some in search of freedom seeking political asylum, but whatever the reason, America was and is seen as a beacon of hope. This is why this topic dealing with illegal immigrants is such a difficult one. Most people can sympathize with people who risk their lives to come here and make a better life. However, Americans have achieved such greatness in this country because its people were built on a strong foundation of laws. Our

forefathers had the wisdom to create the Constitution and set this government up with a series of checks and balances to protect its laws and way of life.

Illegal immigration is regarded as a problem affecting people and many levels of government. The United States immigration laws are numerous and offer immigrants many different ways to come to this country. Whether the desire is to study, to travel, or to permanently seek residence, there are legal means to achieve legal status. However because of the problems securing the borders as well as people coming here legally but overstaying their visas, there are millions of undocumented immigrants residing, working, and educating their children here. Thus the question has been raised of what to do with this group of people? These undocumented people lead their lives as every citizen does and one of their basic needs is to drive a vehicle. So the issue at hand is whether each state should make provisions to allow illegal immigrants to acquire a driver's license. Thus far ten states, the District of Columbia and Puerto Rico have passed laws allowing the issuance of driver's licenses. Florida is yet to decide and with the large Hispanic population in this state it is definitely a hot topic.

This thesis has discussed the pros and cons on this issue, safety being one of the primary arguments in favor of licensing illegal immigrants. Proponents believe that it would be a benefit to society to allow undocumented immigrants to possess driver's license because the roads would be safer.<sup>186</sup> These immigrants drive daily on the roads to go to work, to school, and to carry out daily tasks. They do so without proper training and without insurance. This poses a risk to every driver, not only of physical injury to themselves in an accident due to incompetence but

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<sup>186</sup> *Driver's Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

of increased financial burdens from uninsured motorists. Worst yet, “hit and run” accidents occur when the undocumented alien flees the scene for fear of repercussions. Those states that have passed the law believe that by doing so, illegal immigrants will come forward and learn the rules of the road and pass the tests that will prove that they are qualified to drive safely.<sup>187</sup> It is also believed that these individuals will feel secure enough to register their cars and obtain insurance. Thus creating a financial benefit for everyone involved, and hopefully preventing hit and runs since these motorists will have identification proving they are allowed to drive and have insurance to cover damages.

Along with the desire for road safety and financial responsibility for all drivers, the second safety concern is National Security.<sup>188</sup> Proponents argue that the issuance of driver’s licenses to illegal immigrants will provide this country with a database of those individuals that are now currently undocumented and unknown. A series of rules have been designed to attempt to get accurate information from the undocumented immigrants, from birth certificates or passports to their fingerprints. This database would afford the government a means of tracking and investigating individuals that might be seen as a risk to this nation. However, there is also the concern that issuing the driver’s license could make life more difficult for these individuals by “marking” them with a license that stands out. The states that have already passed licensing laws agree that it is a step in the right direction to allow this segment of the population to achieve legitimacy and the rights that go along with it.

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<sup>187</sup> *Driver’s Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

<sup>188</sup> *Driver’s Licenses and Unauthorized Immigrants*, Constitutional Rights Foundation: Educating About Immigration, (2012), [crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article](http://crfimmigrationed.org/index.php/stuff/drivers-licenses-and-immigrants/126-5-r-article).

Opponents of this licensing issue argue and provide studies of their own that prove that the issuance of driver's licenses to illegal immigrants will not improve road safety. Studying for a driver's license exam, answering questions, and taking a road test around a parking lot does not make a driver safer. Experience is what makes a driver safe and a person that has a sense of responsibility for the United States laws and consequences of their actions on others will be a safer driver.

Florida is one of the states that remain undecided on this issue. As a citizen of this country and a resident of Florida, the goal of this thesis was to assess all of the pros and cons and look at this issue objectively and without emotion. The Federal government and the State governments have the responsibility to protect its citizens. Ideally, politics and the desire to win votes from any segment of this nation should not be the controlling factors in whether to issue licenses. But when individuals are undocumented and breaking immigration laws, what guarantee do we have that the personal information they provide is accurate and truthful or that they will actually purchase insurance?

The issues surrounding illegal immigration in this country are problems without a quick and easy solution. The majority of undocumented immigrants, that have risked their lives and the lives of their families, are here because they came from conditions which were unlivable. A driver's license would help the immigrants lead a better life. With a driver's license in hand, these undocumented immigrants would be less fearful of deportation and less fearful of having their car impounded because they were unlicensed. This form of identification also opens doors for them to live a more "normal" life, since in this society a person needs to prove his or her

identity to perform even the simplest of tasks, such as picking up a package from the post office. Illegal aliens would be able to open bank accounts, lease homes, and travel on the roads with confidence.

There are millions of people that are residing here illegally, and their presence in society needs to be addressed. The country is divided, from those who wish to close the borders, build a fence, and deport everyone that is here illegally to those who wish to give amnesty and a pathway to citizenship to every illegal alien residing in this country. Therefore, issuing a driver's license would seem to be a quick fix. Allowing illegal immigrants to possess a driver's license is appealing some who might appreciate the safety aspect. Florida, as well as all states, has the responsibility to recognize that the United States is a nation of laws. The United States is known for being a progressive government that creates new laws as society deems necessary. Throughout history the laws that have been created have to remain true to those inalienable rights that the Constitution dictates.

Thus as a nation of laws, it would not seem fit for Florida to join the states that have decided to reward undocumented immigrants with licenses since this group did not choose the proper and lawful route to residency. To have Florida grant a privilege that has been set aside for citizens and legal residents would be an insult to every immigrant that has pursued legal residence and citizenship in the proper manner. The law is the law and if one breaks it there should be consequences. By permitting this law, there is a domino effect that flows in many directions. Law enforcement departments from police officers to immigration officers have sworn to defend the law and bring to justice those that do not. If a police officer stops an

individual who now has an identification card that dictates that he is an illegal immigrant that can drive. It is basically an identification that states the person has broken the law by remaining in the country undocumented; however, it cannot be used against him or her to contact the proper authority. The same can be said for employers who hire these workers. They would now be given a form of identification that should stop them from hiring these individuals because it is against the law to hire an illegal alien. Again there is uncertainty in the law, who is right and who is wrong? Does anyone own up to the responsibility of following the law? There is a judicial system for a reason; a law is broken, an arrest occurs and then a person is judged and suffers the consequences that are laid out. By passing this law and issuing driver's licenses to undocumented immigrants they are in essence receiving a pass to break the law. Where does it stop? If another issue comes up in society where a large portion of the population is breaking a law, is it simply accepted and made ok because it would be too difficult to deal with issuing the appropriate justice due? Or is the breaking of the law accepted because there is sympathy towards those individuals that are breaking the law? With a nation of laws comes responsibility to those who have entrusted this country to uphold the laws.

It is this thesis's recommendation that Florida not pass this type of law. What message does this send to any hopeful immigrant that is contemplating crossing the border into this country or overstaying a visa? It is sending the message that one can enter or stay in this country illegally and the country will not only condone it, but also reward such behavior. What potential effect could this action have on the influx of people coming to this country illegally? Florida should take a stance. That stance should be to believe in this nation's right to govern and it's right to have those laws respected by all. While the politicians in Washington are working on a

solution to solve immigration issues, the states should uphold the laws in effect. If an individual is stopped due to a traffic violation and he is unidentifiable, then he should be taken into custody and immigration officials should be allowed to do their jobs. Police officers should not have to guess on which laws they should uphold. Employers should be held to a higher standard and stricter, more costly fines should be issued if an employer hires an illegal immigrant. Ultimately, penalties targeted at employers hiring undocumented immigrants would be a key target to reduce the number of illegal immigrants in the United States; however, this would be a subject for further research.

Facilitating undocumented immigrants to remain in this country, ignoring the fact that they are still here illegally promotes a potentially iniquitous climate towards this group of people. Providing incentives for people to continue breaking the law should be unacceptable in this country. “We must reject the idea that every time a law is broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions” -Ronald Reagan.

## **Appendix A: Statutes Regarding Granting Driver's Licenses to Illegal Immigrants**

The following information was taken from WestlawNext.<sup>189</sup>

State	Able To Drive?	Statute
Alabama	No	<p>Ala.Code 1975 § 32-6-9  <b>§ 32-6-9. Possession and display of license.</b></p> <p>(a) Every licensee shall have his or her license in his or her immediate possession at all times when driving a motor vehicle and shall display the same, upon demand of a judge of any court, a peace officer, or a state trooper. However, no person charged with violating this section shall be convicted if he or she produces in court or the office of the arresting officer a driver's license theretofore issued to him or her and valid at the time of his or her arrest.</p> <p>(b) For every person found in violation of this section or Section 32-6-1, a reasonable effort shall be made as soon as possible, but not later than within 48 hours, to determine the citizenship of the person and if an alien, whether the alien is lawfully present in the United States by verification with the federal government pursuant to 8 U.S.C. § 1373(c). An officer shall not attempt to independently make a final determination of whether an alien is lawfully present in the United States.</p>
Alaska	No	<p>AS § 28.15.131  <b>§ 28.15.131. License to be carried and exhibited on demand</b></p> <p>(a) A licensee shall have the licensee's driver's license in immediate possession at all times when driving a motor vehicle, and shall present the license for inspection upon the demand of a peace officer or other authorized representative of the Department of Public Safety identified as such to the licensee by the officer or representative. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the arresting or citing officer, a driver's license previously issued to the person that was valid at the time of the person's arrest or citation.</p> <p>(b) Violation of this section is an infraction.</p> <hr/> <p>AS § 28.15.281  <b>§ 28.15.281. Unlawful use of license; permitting unauthorized person to drive</b></p>

<sup>189</sup> WestlawNext Thomson Reuters, (October 2014),  
<https://a.next.westlaw.com/Browse/Home/StatutesCourtRules?transitionType=Default&contextData=%28sc.Default%29>.

State	Able To Drive?	Statute
		(b) A person may not authorize or knowingly permit a motor vehicle owned by the person or under the control of the person to be driven in this state by a person who is not validly licensed.
Arizona	No	<p><b>A.R.S. § 28-3151</b>  <b>§ 28-3151. Driver license requirement</b></p> <p><b>A.</b> Unless exempt pursuant to this chapter, a person shall not drive a motor vehicle or vehicle combination on a highway without a valid driver license and proper endorsement as prescribed by this chapter.</p> <p><b>B.</b> A person who is licensed under this chapter is entitled to exercise the privilege granted by this chapter on highways and is not required to obtain another license to exercise the privilege by a county, municipal or local board or a body with authority to adopt local police regulations.</p> <hr/> <p><b>Effective: September 26, 2008</b>  <b>A.R.S. § 28-3153</b>  <b>§ 28-3153. Driver license issuance; prohibitions</b></p> <p><b>D.</b> Notwithstanding any other law, the department shall not issue to or renew a driver license or nonoperating identification license for a person who does not submit proof satisfactory to the department that the applicant's presence in the United States is authorized under federal law. For an application for a driver license or a nonoperating identification license, the department shall not accept as a primary source of identification a driver license issued by a state if the state does not require that a driver licensed in that state be lawfully present in the United States under federal law. The director shall adopt rules necessary to carry out the purposes of this subsection. The rules shall include procedures for:</p> <ol style="list-style-type: none"> <li>1. Verification that the applicant's presence in the United States is authorized under federal law.</li> <li>2. Issuance of a temporary driver permit pursuant to § 28-3157 pending verification of the applicant's status in the United States.</li> </ol>
Arkansas	No	<p>Effective: July 31, 2007  A.C.A. § 27-16-604  <b>§ 27-16-604. Persons not to be licensed</b></p> <p>(a) The Office of Driver Services shall not issue any license under this act to any person:</p> <p>(10) Who is making an initial application for an Arkansas driver's license and who is not lawfully within the United States;</p>

State	Able To Drive?	Statute
		<hr/> <p>Effective: January 1, 2014  A.C.A. § 27-16-1105  <b>§ 27-16-1105. Minimum issuance standards for driver's licenses</b></p> <p>(a)(1) Except as provided under subdivisions (a)(2) and (3), and (b)(1) of this section regarding the renewal, duplication, or reissuance of a driver's license or identification card, to meet the requirements of this section the Office of Driver Services shall require at a minimum presentation of the following information before issuing a driver's license or identification card to a person:</p> <p>(A) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;</p> <p>(B) Documentation showing the person's date of birth;</p> <p>(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number; and</p> <p>(D) Evidence of legal status that includes valid documentary evidence that the person:</p> <ul style="list-style-type: none"> <li>(i) Is a citizen of the United States;</li> <li>(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;</li> <li>(iii) Has conditional permanent resident status in the United States;</li> <li>(iv) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;</li> <li>(v) Has a pending or approved application for asylum in the United States;</li> <li>(vi) Has entered into the United States in refugee status;</li> <li>(vii) Has a pending or approved application for temporary protected status in the United States;</li> <li>(viii) Has approved deferred action status;</li> <li>(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States;</li> <li>(x) Has a pending extension Form I-129, Petition for a Nonimmigrant Worker or a pending Form I-539, Application to Extend/Change Nonimmigrant Status for dependents, as evidenced by a valid I-797C, Notice of Action; or</li> <li>(xi) Is a spouse or minor child described under <u>8 U.S.C. § 1101(a)(15)(F)(ii)</u> as in effect on January 1, 2013, of a bona fide student under <u>8 U.S.C. § 1101(a)(15)(F)(i)</u> as in effect on January 1, 2013, who has been given authorization for optional practical training under <u>8 C.F.R. § 212.2(f)(10)(ii)</u> as in effect on January 1, 2013, established by a valid employment authorization</li> </ul>

State	Able To Drive?	Statute
		document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.
California	Yes	<p>Effective: January 1, 2014 West's Ann.Cal.Vehicle Code § 12801.9</p> <p><b>§ 12801.9. Persons unable to submit satisfactory proof of authorized presence in United States under federal law; issuance of driver's license; emergency regulations; documents acceptable to prove identity and residency</b></p> <p>&lt;Section operative the sooner of Jan. 1, 2015 or the date the director executes a declaration pursuant to § 12801.11 and operative until the effective date of a judicial determination that any provision of the act that added this section is enjoined, found unconstitutional or held invalid.&gt;</p> <p>(a) Notwithstanding Section 12801.5, the department shall issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency.</p> <p>(b) The department shall adopt emergency regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) identifying documents acceptable for the purposes of proving identity and California residency, (2) procedures for verifying the authenticity of the documents, (3) issuance of a temporary license pending verification of any document's authenticity, and (4) hearings to appeal a denial of a license or temporary license.</p> <p>(c) Emergency regulations adopted for purposes of establishing the documents acceptable to prove identity and residency pursuant to subdivision (b) shall be promulgated by the department in consultation with appropriate interested parties, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), including law enforcement representatives, immigrant rights representatives, labor representatives, and other stakeholders, which may include, but are not limited to, the California Highway Patrol, the California State Sheriffs' Association, and the California Police Chiefs Association. The department shall accept various types of documentation for this purpose, including, but not limited to, the following documents:</p> <p>(1) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid, unexpired passport from the applicant's country of citizenship.</p> <p>(2) An original birth certificate, or other proof of age, as designated by the</p>

State	Able To Drive?	Statute
		<p>department.</p> <p>(3) A home utility bill, lease or rental agreement, or other proof of California residence, as designated by the department.</p> <p>(4) The following documents, which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:</p> <p>(A) A marriage license or divorce certificate.</p> <p>(B) A foreign federal electoral photo card issued on or after January 1, 1991.</p> <p>(C) A foreign driver's license.</p> <p>(5) A United States Department of Homeland Security Form I-589, Application for Asylum and for Withholding of Removal.</p> <p>(6) An official school or college transcript that includes the applicant's date of birth, or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued.</p> <p>(7) A United States Department of Homeland Security Form I-20 or Form DS-2019.</p> <p>(8) A deed or title to real property.</p> <p>(9) A property tax bill or statement issued within the previous 12 months.</p> <p>(10) An income tax return.</p> <p>(d)(1) A license issued pursuant to this section, including a temporary license issued pursuant to Section 12506, shall include a recognizable feature on the front of the card, such as the letters "DP" instead of, and in the same font size as, the letters "DL," with no other distinguishable feature.</p> <p>(2) The license shall bear the following notice: "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."</p> <p>(3) The notice described in paragraph (2) shall be in lieu of the notice provided in Section 12800.5.</p> <p>(e) If the United States Department of Homeland Security determines a license issued pursuant to this section does not satisfy the requirements of Section 37.71 of Title 6 of the Code of Federal Regulations, adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13), the department shall modify the license only to the extent necessary to satisfy the requirements of that section.</p> <p>(f) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.</p> <p>(g) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.</p>

State	Able To Drive?	Statute
		<p>(h) It shall be a violation of law, including, but not limited to, a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code), to discriminate against an individual because he or she holds or presents a license issued under this section.</p> <p>(i) Information collected pursuant to this section is not a public record and shall not be disclosed by the department, except as required by law.</p> <p>(j) A license issued pursuant to this section shall not be used to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.</p> <p>(k) On or before January 1, 2018, the California Research Bureau shall compile and submit to the Legislature and the Governor a report of any violations of subdivisions (h) and (j). Information pertaining to any specific individual shall not be provided in the report.</p> <p>(l) In addition to the fees required by Section 14900, a person applying for an original license pursuant to this section may be required to pay an additional fee determined by the department that is sufficient to offset the reasonable administrative costs of implementing the provisions of the act that added this section. If this additional fee is assessed, it shall only apply until June 30, 2017.</p> <p>(m) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.</p> <p>(n) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.</p>
Colorado	Yes	<p>Effective: August 7, 2013 C.R.S.A. § 42-2-505 <b>§ 42-2-505. Identification documents--individuals not lawfully present</b></p> <p>(1) <b>Documents issued.</b> An individual who is not lawfully present may apply for an identification document in accordance with this part 5. The department shall issue an identification document to an applicant who:</p> <p>(a) Qualifies for the document applied for except for qualifications that conflict with this section; and</p> <p>(b)(I) Signs an affidavit that the applicant is currently a resident and presents proof of return filing for the immediately preceding year and evidence of residence in Colorado that conforms to the standards of Pub.L. 109-13, Division B, Title II, sec. 201 et seq. or any rules promulgated under Pub.L. 109-13, Division B, Title II, sec. 201 et seq.; or</p> <p>(II) Signs an affidavit that the applicant has continuously been a resident in Colorado for the immediately preceding twenty-four months and presents evidence of residence in Colorado for the immediately preceding twenty-four</p>

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		<p>months that conforms to the standards of Pub.L. 109-13, Division B, Title II, sec. 201 et seq. or any rules promulgated under Pub.L. 109-13, Division B, Title II, sec. 201 et seq.; and</p> <p>(c) Documents an individual taxpayer identification number issued by the United States internal revenue service; and</p> <p>(d) Affirms in an affidavit signed by the applicant that the applicant has applied to be lawfully present within the United States or will apply to be lawfully present as soon as the applicant is eligible; and</p> <p>(e) Presents one of the following from the applicant's country of origin:</p> <p>(I) A passport;</p> <p>(II) A consular identification card; or</p> <p>(III) A military identification document.</p> <p>(2) <b>Document contents.</b> (a) On an identification document issued under this section, the department shall place the phrase “Not valid for federal identification, voting, or public benefit purposes” clearly displayed on the face and incorporated into the machine readable zone. The department may use a substantially similar phrase if required by federal law.</p> <p>(b) The department shall design the identification document issued under this section to be distinguishable from another identification document issued under this article in compliance with federal law.</p> <p>(3) <b>Graduated driver's license requirements.</b> To be issued a minor driver's license under this section, an applicant who is under eighteen years of age must comply with section 42-2-104(4).</p>
Connecticut	Yes	<p>Effective: June 6, 2013 C.G.S.A. § 14-36m</p> <p><b>§ 14-36m. Issuance of operators’ licenses to applicants unable to establish legal presence in the United States and applicants without Social Security numbers</b></p> <p style="text-align: center;">&lt;Effective Jan. 1, 2015.&gt;</p> <p>(a) As used in this section:</p> <p>(1) “Primary proof of identity” means documentation indicating the identity of an applicant for a motor vehicle operator's license in the form of (A) a valid foreign passport issued by an applicant's country of citizenship that is unexpired or expired for less than three years before an application for such motor vehicle operator's license, (B) a valid, unexpired consular identification document issued by an applicant's country of citizenship, or (C) a consular report of an applicant's birth in a foreign country.</p> <p>(2) “Secondary proof of identity” means documentation indicating the identity</p>

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		<p>of an applicant for a motor vehicle operator's license in the form of (A) a valid, unexpired motor vehicle operator's license, with security features, issued by another state or country, (B) a valid foreign voter registration card, (C) a certified copy of a marriage certificate issued by any state or territory of the United States, or any political subdivision thereof, including any county, city or town, (D) a certified school transcript, or (E) a baptismal certificate or any similar document.</p> <p>(3) "Proof of residency" means a piece of mail or electronic mail that includes an applicant's name and address, indicates that such applicant resides in the state and is dated, unless otherwise indicated, not earlier than ninety days before an application for a motor vehicle operator's license, from any two of the following sources: (A) A bill from a bank or mortgage company, utility company, credit card company, doctor or hospital, (B) a bank statement or bank transaction receipt showing the bank's name and mailing address, (C) a preprinted pay stub, (D) a property or excise tax bill dated not earlier than twelve months before such application, (E) an annual benefits summary statement from the Social Security Administration or other pension or retirement plan dated not earlier than twelve months before such application, (F) a Medicaid or Medicare benefit statement, (G) a current homeowner's insurance or renter's insurance policy or motor vehicle insurance card or policy dated not earlier than twelve months before such application, (H) a residential mortgage or similar loan contract, lease or rental contract showing signatures from all parties needed to execute the agreement dated not earlier than twelve months before such application, (I) any postmarked mail, (J) a change of address confirmation from the United States Postal Service indicating an applicant's current and prior address, (K) a survey of an applicant's real property issued by a licensed surveyor, or (L) any official school records showing enrollment.</p> <p>(b) (1) Notwithstanding any provision of the general statutes or any regulation, the Commissioner of Motor Vehicles shall not decline to issue a motor vehicle operator's license to any applicant who meets the licensure requirements provided in section 14-36 but who cannot establish that he or she is legally present in the United States or does not have a Social Security number if such applicant (A) submits proof of residency in the state, (B) submits either two forms of primary proof of identity or one form of primary proof of identity and one form of secondary proof of identity, and (C) files an affidavit with the commissioner attesting that such applicant has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so. Any form of primary proof of identity, secondary proof of identity or proof of residency submitted to the commissioner that is in a language other than English shall be accompanied by a certified English translation of such document prepared by a translator approved by the commissioner.</p>

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		<p>(2) The commissioner shall not issue a motor vehicle operator's license under this section to any applicant who has been convicted of any felony in Connecticut.</p> <p>(3) The commissioner shall administer a knowledge test to any such applicant after such applicant has submitted proof of residency and proof of identity that satisfy the requirements of this section. Not later than thirty days after such applicant has passed such knowledge test, the commissioner shall determine whether such applicant has been convicted of any felony in Connecticut by searching the electronic criminal record system maintained on the Internet web site of the Judicial Department for convictions matching such applicant's name and date of birth. If such applicant has not been convicted of any such felony, the commissioner shall mail the applicant an adult instruction permit or youth instruction permit. The commissioner shall not refund the application fee of any applicant who fails a knowledge test or has been convicted of any such felony.</p> <p>(c) Any motor vehicle operator's license issued pursuant to this section shall include an indication on such license that such license shall not be acceptable for federal identification purposes.</p> <p>(d) Any motor vehicle operator's license issued under this section shall expire from three to six years after the date of issuance and may be renewed every three years thereafter. The commissioner shall not renew any such operator's license unless the holder of such operator's license makes personal appearance and demonstrates proof of residency at the time of renewal.</p> <p>(e) No motor vehicle operator's license issued pursuant to this section shall be used as identification for voting purposes.</p> <p>(f) The commissioner shall place a restriction on each motor vehicle operator's license issued pursuant to this section, indicating that such motor vehicle operator's license is "for driving purposes only".</p> <p>(g) The commissioner may adopt regulations in accordance with chapter 54<sup>1</sup> to implement the provisions of this section.</p>
Delaware	No	<p>21 Del.C. § 2701  <b>§ 2701. Driving without a license; penalties</b></p> <p>(a) No person shall drive a motor vehicle on a public street or highway of this State without first having been licensed under this chapter, unless expressly exempt from the licensing requirements.</p> <hr/> <p>21 Del.C. § 2721  <b>§ 2721. Duty to sign and carry license</b></p> <p>(a) Every person licensed as an operator shall write the person's usual signature with pen and ink in the spaces provided for that purpose on the license</p>

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		<p>certificate and such license shall not be valid until the certificate is so signed.</p> <p>(b) The licensee shall have such license in the licensee's immediate possession at all times when driving a motor vehicle and shall display the same upon demand of a uniformed police officer, justice of the peace, peace officer or motor vehicle inspector. It shall be a defense to any charge under this subsection if the person so charged produces in court an operator's license theretofore issued to such person and valid at the time of the arrest.</p>
Florida	No	<p>Effective: October 1, 2010 West's F.S.A. § 322.03 <b>322.03. Drivers must be licensed; penalties</b></p> <p>(1) Except as otherwise authorized in this chapter, a person may not drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under this chapter.</p> <hr/> <p>Effective: July 1, 2014 West's F.S.A. § 322.15 <b>322.15. License to be carried and exhibited on demand; fingerprint to be imprinted upon a citation</b></p> <p>(1) Every licensee shall have his or her driver license, which must be fully legible with no portion of such license faded, altered, mutilated, or defaced, in his or her immediate possession at all times when operating a motor vehicle and shall present or submit the same upon the demand of a law enforcement officer or an authorized representative of the department. A licensee may present or submit a digital proof of driver license as provided in s. 322.032 in lieu of a physical driver license.</p> <p>(2) Upon the failure of any person to display a driver's license as required by subsection (1), the law enforcement officer or authorized representative of the department stopping the person shall require the person to imprint his or her fingerprints upon any citation issued by the officer or authorized representative, or the officer or authorized representative shall collect the fingerprints electronically.</p> <p>(3) In relation to violations of subsection (1) or s. 322.03(5), persons who cannot supply proof of a valid driver's license for the reason that the license was suspended for failure to comply with that citation shall be issued a suspension clearance by the clerk of the court for that citation upon payment of the applicable penalty and fee for that citation. If proof of a valid driver's license is not provided to the clerk of the court within 30 days, the person's driver's license</p>

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		<p>shall again be suspended for failure to comply.</p> <p>(4) A violation of subsection (1) is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.</p>
Georgia	No	<p>Effective: July 1, 2014 Ga. Code Ann., § 40-5-20 <b>§ 40-5-20. Drivers must be licensed; prior licenses surrendered; local licenses forbidden</b></p> <p>(a) No person, except those expressly exempted in this chapter or in Chapter 6 of this title, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license under this chapter for the type or class of vehicle being driven. Any person who is a resident of this state for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state. Any court having jurisdiction over traffic offenses in this state shall report to the department the name and other identifying information of any individual convicted of driving without a license. This Code section shall not apply to a person driving with a suspended license or license that has been revoked. Any person convicted of violating this Code section shall be punished as provided in subsection (a) of Code Section 40-5-121; provided, however, that if:</p> <p>(1) Such person is driving with a driver's license issued by this state that has been expired for less than 31 days at the time of the offense and he or she produces in court a driver's license that would have been valid at the time of the offense, he or she shall not be guilty of such offense; and</p> <p>(2) Such person is driving without a valid driver's license or receipt issued by the department reflecting issuance, renewal, replacement, or reinstatement in his or her possession but he or she has a valid driver's license, Code Section 40-5-29 shall apply to such offense.</p> <p>(b) No person, except those expressly exempted in this chapter, shall steer or, while within the passenger compartment of such vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this state unless such person has a valid driver's license under this chapter for the type or class of vehicle being towed.</p> <hr/> <p>Effective: July 1, 2014 Ga. Code Ann., § 40-5-29 <b>§ 40-5-29. License to be carried and exhibited on demand</b></p> <p>(a) Every licensee shall have his or her driver's license in his or her immediate possession at all times when operating a motor vehicle. Any person who has a receipt issued by the department reflecting issuance, renewal, replacement, or reinstatement of his or her driver's license in his or her immediate possession</p>

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		shall be considered to have such license in his or her immediate possession if such is confirmed to be valid by the department or through the Georgia Crime Information Center. The department may establish by rule and regulation the term of such receipt. Notwithstanding the foregoing, no receipt issued by the department shall be accepted as proof of such person's identity for any other purpose, including but not limited to proof of voter identification or proof of age for purposes of purchasing alcoholic beverages.
Hawaii	No	<p>HRS § 286-102  <b>§ 286-102. Licensing</b></p> <p>(a) No person, except one exempted under section 286-105, one who holds an instruction permit under section 286-110, one who holds a provisional license under section 286-102.6, one who holds a commercial driver's license issued under section 286-239, or one who holds a commercial driver's license instruction permit issued under section 286-236, shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicles.</p> <hr/> <p>HRS § 286-104  <b>§ 286-104. Which persons shall not be licensed</b></p> <p>The examiner of drivers shall not issue any license to any person:  (7) Who does not submit proof, satisfactory to the director, that the applicant's presence in the United States is authorized by federal law. The director shall adopt rules in accordance with chapter 91 that provide for standards of proof and for exemptions from this requirement.  Any person denied a license under this or any other section of this part shall have a right of appeal as provided in section 286-129.</p>
Idaho	No	<p>I.C. § 49-301  <b>§ 49-301. Drivers to be licensed</b></p> <p>(1) No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a current and valid Idaho driver's license. Provided however, that those persons holding a restricted school attendance driving permit may drive upon a highway pursuant to the restrictions set forth in section 49-307A, Idaho Code.</p> <hr/> <p>I.C. § 49-303  <b>§ 49-303. What persons shall not be licensed</b></p>

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		<p>The department shall not issue any driver's license, any instruction permit, privileges or right to drive and if issued, may revoke or cancel the driver's license of a person who:</p> <p>(13) Is not a resident of the state of Idaho.</p> <p>(14) Is not lawfully present in the United States.</p>
Illinois	Yes	<p>Effective: November 28, 2013 625 ILCS 5/6-105.1</p> <p><b>5/6-105.1. Temporary visitor's driver's license</b></p> <p>§ 6-105.1. Temporary visitor's driver's license.</p> <p>(a) The Secretary of State may issue a temporary visitor's driver's license to a foreign national who (i) resides in this State, (ii) is ineligible to obtain a social security number, and (iii) presents to the Secretary documentation, issued by United States Citizenship and Immigration Services, authorizing the person's presence in this country.</p> <p>(a-5) The Secretary of State may issue a temporary visitor's driver's license to an applicant who (i) has resided in this State for a period in excess of one year, (ii) is ineligible to obtain a social security number, and (iii) is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country. The applicant shall submit a valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by a consulate of that country as defined in Section 5 of the Consular Identification Document Act (5 ILCS 230/5).</p> <p>(a-10) Applicants for a temporary visitor's driver's license who are under 18 years of age at the time of application shall be subject to the provisions of Sections 6-107 and 6-108 of this Code.</p> <p>(b) A temporary visitor's driver's license issued under subsection (a) is valid for 3 years, or for the period of time the individual is authorized to remain in this country, whichever ends sooner. A temporary visitor's driver's license issued under subsection (a-5) shall be valid for a period of 3 years.</p> <p>(b-5) A temporary visitor's driver's license issued under this Section may not be accepted for proof of the holder's identity. A temporary visitor's driver's license issued under this Section shall contain a notice on its face, in capitalized letters, stating that the temporary visitor's driver's license may not be accepted for proof of identity.</p> <p>(c) The Secretary shall adopt rules for implementing this Section, including rules:</p> <p>(1) regarding the design and content of the temporary visitor's driver's license;</p> <p>(2) establishing criteria for proof of identification and residency of an individual applying under subsection (a-5);</p> <p>(3) designating acceptable evidence that an applicant is not eligible for a social security number; and</p>

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		<p>(4) regarding the issuance of temporary visitor's instruction permits.</p> <p>(d) Any person to whom the Secretary of State may issue a temporary visitor's driver's license shall be subject to any and all provisions of this Code and any and all implementing regulations issued by the Secretary of State to the same extent as any person issued a driver's license, unless otherwise provided in this Code or by administrative rule, including but not limited to the examination requirements in Section 6-109 as well as the mandatory insurance requirements and penalties set forth in Article VI of Chapter 7 of this Code.</p> <p>(d-5) A temporary visitor's driver's license is invalid if the holder is unable to provide proof of liability insurance as required by Section 7-601 of this Code upon the request of a law enforcement officer, in which case the holder commits a violation of Section 6-101 of this Code.</p> <p>(e) Temporary visitor's driver's licenses shall be issued from a central location after the Secretary of State has verified the information provided by the applicant.</p> <p>(f) There is created in the State treasury a special fund to be known as the Driver Services Administration Fund. All fees collected for the issuance of temporary visitor's driver's licenses shall be deposited into the Fund. These funds shall, subject to appropriation, be used by the Office of the Secretary of State for costs related to the issuance of temporary visitor's driver's licenses, and other operational costs, including personnel, facilities, computer programming, and data transmission.</p>
Indiana	No	<p>Effective: July 1, 2009 IC 9-24-9-2.5</p> <p><b>9-24-9-2.5 Required information regarding applicant's resident status in the United States</b></p> <p>Sec. 2.5. In addition to the information required from the applicant for a license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:</p> <p>(1) is a citizen or national of the United States;</p> <p>(2) is an alien lawfully admitted for permanent residence in the United States;</p> <p>(3) has conditional permanent resident status in the United States;</p> <p>(4) has an approved application for asylum in the United States or has entered into the United States in refugee status;</p> <p>(5) is an alien lawfully admitted for temporary residence in the United States;</p> <p>(6) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;</p> <p>(7) has a pending application for asylum in the United States;</p> <p>(8) has a pending or approved application for temporary protected status in the United States;</p> <p>(9) has approved deferred action status; or</p>

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		<p>(10) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.</p> <hr/> <p>IC 9-24-13-3  <b>9-24-13-3 Possession and display of licenses and permits</b></p> <p>Sec. 3. An individual holding a permit or license issued under this article must have the permit or license in the individual's immediate possession when driving or operating a motor vehicle. The permittee or licensee shall display the license or permit upon demand of a court or a police officer authorized by law to enforce motor vehicle rules.</p>
Iowa	No	<p>Effective: July 1, 2011  I.C.A. § 321.174  <b>321.174. Operators licensed--operation of commercial motor vehicles</b></p> <p>1. A person, except those expressly exempted, shall not operate any motor vehicle upon a highway in this state unless the person has a driver's license issued by the department valid for the vehicle's operation</p> <hr/> <p>I.C.A. § 321.182  <b>321.182. Application</b></p> <p>Every applicant for a driver's license shall do all of the following:  1. a. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule. Pursuant to procedures established by the department and for an applicant who is a foreign national temporarily present in this state, the department may waive the requirement that the application include the applicant's social security number.</p>
Kansas	No	<p>K.S.A. 8-237  <b>8-237. Persons to whom license not issued</b></p> <p>The division of vehicles shall not issue any driver's license to any person:  (h) Who has not submitted proof of age or proof of identity, as required by K.S.A. 8-240, and amendments thereto.  (i) Whose presence in the United States is in violation of federal immigration laws.</p>
Kentucky	No	<b>Effective: June 26, 2007</b>

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		<p><b>KRS § 186.510</b>  <b>186.510 License to be in possession and to be shown on demand</b></p> <p>The licensee shall have his or her license in his or her immediate possession at all times when driving a motor vehicle and shall display it upon demand to the circuit clerk or examiner, a peace officer, a member of the Department of Kentucky State Police, or a field deputy or inspector of the Department of Vehicle Regulation or Transportation Cabinet or, pursuant to KRS 67A.075 or 83A.088, a safety officer who is in the process of securing information to complete an accident report. It shall be a defense to any charge under this section if the person so charged produces in court an operator's license, issued to him or her before his or her arrest and valid at the time of his or her arrest.</p>
Louisiana	No	<p><b>Effective: August 15, 2011</b>  <b>LSA-R.S. 32:402</b>  <b>§ 402. All drivers must secure license; exception; emergency vehicle exception; military personnel exceptions; emergency command post vehicle exception; violations</b></p> <p>A. Every person who operates a motor vehicle which is designated as being in either Class "A", "B", "C", "D", or "E" under <a href="#">R.S. 32:408</a>, before driving or operating any such motor vehicle on any public street, road, or highway of this state, shall secure from the department, or a public license tag agent authorized to issue drivers' licenses as provided in Paragraph B(2) of this Section, an appropriately classified driver's license with all necessary endorsements.</p> <hr/> <p><b>LSA-R.S. 32:411.1</b>  <b>§ 411.1. Licensee to have license in immediate possession; notification to vehicle owner; surrender of license; issuance of temporary permits</b></p> <p>A. (1) Any person lawfully possessed of a driver's license issued to him by either the Department of Public Safety and Corrections or the appropriate agency of another state if such person resides in this state shall have such license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the state, parish, or municipality.</p>
Maine	No	<p><b>Effective: October 9, 2013</b>  <b>29-A M.R.S.A. § 1251</b>  <b>§ 1251. License required</b></p> <p><b>1. Violation.</b> Except as provided in section 510, subsection 1, a person commits an offense of operating a motor vehicle without a license if that person operates</p>

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		<p>a motor vehicle on a public way or parking area:  <b>A.</b> Without being licensed. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A;</p> <hr/> <p><b>Effective: October 9, 2013</b>  <b>29-A M.R.S.A. § 1301</b>  <b>§ 1301. Application</b></p> <p><b>2-A. Legal presence requirement.</b> The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person is renewing a noncommercial driver's license and that person has continuously held a valid driver's license under this chapter since December 31, 1989 or was born before December 1, 1964.</p> <hr/> <p><b>Effective: October 9, 2013</b>  <b>29-A M.R.S.A. § 1408</b>  <b>§ 1408. License or permit to be carried and exhibited on demand</b></p> <p><b>1. Immediate possession required.</b> A licensee, including a temporary licensee or holder of a learner's permit, must have the license in immediate possession when operating a motor vehicle.  <b>2. Display.</b> On demand of a law enforcement officer, the licensee must produce the license for inspection.</p>
Maryland	Yes	<p><b>Effective: October 1, 2010</b>  <b>MD Code, Transportation, § 16-106</b>  <b>§ 16-106. License application</b></p> <p>Contents of application  (b) The application shall state:  (1) The full name, Maryland residence address, race, sex, height, weight, general physical condition, and date of birth of the applicant;</p> <p>Documentary evidence indicating applicant has valid Social Security number  (c) An applicant shall provide:  (2) Satisfactory documentary evidence that the applicant is not eligible for a Social Security number.</p> <p>Submission of birth certificate or other proof of age and identity  (e)(1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof</p>

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		<p>of age and identity that is satisfactory to the Administration.</p> <p>Notes of Decision: A person's inability to establish lawful presence in the United States is not a basis for denying a driver's license to that person. 88 Op.Atty.Gen. 03-014, Sept. 12, 2003 (2003 WL 22168938).</p> <hr/> <p><b>MD Code, Transportation, § 16-112</b>  <b>§ 16-112. Possession and display of license</b></p> <p>Possession of license required while driving motor vehicle  (b) Each individual driving a motor vehicle on any highway in this State shall have his license with him.</p> <hr/> <p><b>Effective: January 1, 2014</b>  <b>MD Code, Transportation, § 16-122</b>  <b>§ 16-122. Issuance or renewal of identification card, moped operator's permit, or driver's license</b></p> <p>Issuance or renewal of identification card, permit, or license  (a)(1) Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:  (ii) 1. Does not provide satisfactory documentary evidence that the applicant has lawful status or a valid Social Security number;  2. Certifies that the applicant does not have a Social Security number;  3. In the case of an applicant who is not a current holder of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive issued under this subtitle, provides documentary evidence that the applicant, for each of the preceding 2 years, has:  A. Filed a Maryland income tax return; or  B. Resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return; and  4. Would be otherwise eligible for issuance or renewal of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive issued under this subtitle, but for the absence of documentary evidence described in item 1 of this item.</p>
Massachusetts	No	<p><b>M.G.L.A. 90 § 10</b>  <b>§ 10. Operation of motor vehicle without license; members of armed forces; nonresidents; suspension or revocation of license</b></p>

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		<p>No person under sixteen years of age shall operate a motor vehicle upon any way. No other person shall so operate unless licensed by the registrar unless he possesses a receipt issued under section eight for persons licensed in another state or country or unless he possesses a valid learner's permit issued under section eight B, except as is otherwise herein provided or unless he is the spouse of a member of the armed forces of the United States who is accompanying such member on military or naval assignment to this commonwealth and who has a valid operator's license issued by another state, or unless he is on active duty in the armed forces of the United States and has in his possession a license to operate motor vehicles issued by the state where he is domiciled, or unless he is a member of the armed forces of the United States returning from active duty outside the United States, and has in his possession a license to operate motor vehicles issued by said armed forces in a foreign country, but in such case for a period of not more than forty-five days after his return.</p> <hr/> <p><b>M.G.L.A. 90 § 25</b>  <b>§ 25. Refusal to submit to police officer</b></p> <p>Any person who, while operating or in charge of a motor vehicle, shall refuse, when requested by a police officer, to give his name and address or the name and address of the owner of such motor vehicle, or who shall give a false name or address, or who shall refuse or neglect to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses, on demand of such officer, to produce his license to operate such vehicle or his certificate of registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, or who refuses, on demand of such officer, to sign his name in the presence of such officer, and any person who on the demand of an officer of the police or other officer mentioned in section twenty-nine or authorized by the registrar, without a reasonable excuse fails to deliver his license to operate motor vehicles or the certificate of registration of any motor vehicle operated or owned by him or the number plates furnished by the registrar for said motor vehicle, or who refuses or neglects to produce his license when requested by a court or trial justice, shall be punished by a fine of one hundred dollars.</p>
Michigan	No	<p><b>Effective: September 30, 2011</b>  <b>M.C.L.A. 257.301</b>  <b>257.301. Licenses for operators and chauffeurs; necessity; number permitted; holders of foreign licenses</b>  Sec. 301. (1) Except as provided in this act, a person shall not drive a motor vehicle upon a highway in this state unless that person has a valid operator's or chauffeur's license with the appropriate group designation and indorsements for the type or class of vehicle being driven or towed.</p> <hr/> <p><b>Effective: June 30, 2012</b></p>

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		<p><b>M.C.L.A. 257.307</b>  <b>257.307. Operator's or chauffeur's license; application; identification documents; image and signature, certification; donor registry; driving record from another jurisdiction; vehicle group designation or indorsement; information manual; disclosure or display of social security number; donor registry and prison information, electronic access; agreements with federal government; termination of license issued by another state; duties of secretary of state</b></p> <p>Sec. 307. (1) If an applicant for an operator's license or chauffeur's license is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection shall include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name.</p>
Minnesota	No	<p><b>Effective: August 1, 2014</b>  <b>M.S.A. § 171.02</b>  <b>171.02. Licenses; types, endorsements, restrictions</b></p> <p>Subdivision 1. License required; duplicate identification restricted.  (a) Except when expressly exempted, a person shall not drive a motor vehicle upon a street or highway in this state unless the person has a valid license under this chapter for the type or class of vehicle being driven.</p> <hr/> <p><b>Effective: June 1, 2012</b>  <b>M.S.A. § 171.04</b>  <b>171.04. Persons not eligible for drivers' licenses</b></p> <p>Subd. 4. Persons not eligible for enhanced driver's license. The department shall not issue an enhanced driver's license to any person who is:  (1) under 16 years of age;  (2) not a resident of this state;  (3) not a citizen of the United States of America; or  (4) described in subdivision 1, clauses (4) to (12), or (14).</p> <hr/> <p><b>M.S.A. § 171.08</b></p>

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		<p><b>171.08. Licensee to have license in possession</b></p> <p>Every licensee shall have the license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of a peace officer, an authorized representative of the department, or an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways.</p>
Mississippi	No	<p><b>Miss. Code Ann. § 63-1-5</b>  <b>§ 63-1-5. Operating vehicle without license; offense; penalty</b></p> <p>(1) No person shall drive or operate a motor vehicle other than a motorcycle upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, except those persons especially exempted by Section 63-1-7.</p> <p>(2) A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or both.</p> <hr/> <p><b>Miss. Code Ann. § 63-1-19</b>  <b>§ 63-1-19. Application; registration with Selective Service; notice of change of address</b></p> <p>(2) No person who is illegally in the United States or Mississippi shall be issued a license. The application of a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall state the name, date of birth, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways. The commissioner shall adopt and promulgate such rules and regulations as he deems appropriate requiring additional documents, materials, information or physical evidence to be provided by the applicant as may be necessary to establish the identity of the applicant and that the applicant is not present in the United States or the State of Mississippi illegally.</p>
Missouri	No	<p><b>Effective: August 28, 2011 to December 31, 2016</b>  <b>V.A.M.S. 302.020</b>  <b>302.020. Operation of motor vehicle without proper license prohibited, penalty--motorcycles--special license--protective headgear--failure to wear, fine, amount--no points to be assessed</b></p>

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		<p>&lt;Text of section eff. until Jan. 1, 2017. See, also, section eff. Jan. 1, 2017.&gt;  1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:  (1) Operate any vehicle upon any highway in this state unless the person has a valid license;</p> <hr/> <p><b>Effective: August 28, 2008</b>  <b>V.A.M.S. 302.063</b>  <b>302.063. No issuance of a driver's license to illegal aliens or persons who cannot prove lawful presence</b></p> <p>The department of revenue shall not issue any driver's license to an illegal alien nor to any person who cannot prove his or her lawful presence pursuant to the provisions of this chapter and the regulations promulgated thereunder. A driver's license issued to an illegal alien in another state shall not be honored by the State of Missouri and the department of revenue for any purpose. The State of Missouri hereby declares that granting driver's licenses to illegal aliens is repugnant to the public policy of Missouri and therefore Missouri shall not extend full faith and credit to out-of-state driver's licenses issued to illegal aliens. As used in this section, the term “<b>illegal alien</b>” shall mean an alien who is not lawfully present in the United States, according to the terms of 8 U.S.C. Section 1101, et seq.</p>
Montana	No	<p><b>MCA 61-5-102</b>  <b>61-5-102. Drivers to be licensed--penalties</b></p> <p>(1)(a) Except as provided in 61-5-104, a person may not drive a motor vehicle upon a highway in this state unless the person has a valid Montana driver's license.</p> <hr/> <p><b>MCA 61-5-105</b>  <b>61-5-105. Who may not be licensed</b></p> <p>The department may not issue a license under this chapter to a person:  (10) whose presence in the United States is not authorized under federal law. When an applicant who is not a citizen of the United States applies for a driver's license, the department shall verify that the applicant is lawfully present in the United States by using the federal systematic alien verification for entitlements program. The department may not accept a driver's license issued by another state as proof that an applicant is lawfully present in the United States under federal law.</p>
Nebraska	No	<p><b>Neb.Rev.St. § 60-484</b>  <b>60-484. Operator's license required, when; state identification card; application</b></p>

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		<p>&lt;Text effective until July 8, 2015. See, also, text effective July 8, 2015.&gt;  (1)(a) This subsection applies until the implementation date designated by the director on or before January 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of this state until the person has obtained an operator's license for that purpose.</p> <hr/> <p>Neb.Rev.St. § 60-484.04  <b>60-484.04. Operators' licenses; state identification cards; applicant present evidence of lawful status</b></p> <p>&lt;Text effective July 8, 2015. See, also, text effective until July 8, 2015.&gt;  (1) Except as provided in section 60-4,144 with respect to operators of commercial motor vehicles, before being issued any other type of operator's license or a state identification card under the Motor Vehicle Operator's License Act, the department shall require an applicant to present valid documentary evidence that he or she has lawful status in the United States. Lawful status may be shown by:  (a) A valid, unexpired United States passport;  (b) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;  (c) A Consular Report of Birth Abroad (CRBA) issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;  (d) A valid, unexpired Permanent Resident Card (Form I-551) issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;  (e) An unexpired employment authorization document (EAD) issued by the United States Department of Homeland Security, Form I-766 or Form I-688B;  (f) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;  (g) A Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;  (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued by the United States Department of Homeland Security;  (i) A driver's license or identification card issued in compliance with the standards established by the REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or  (j) Such other documents as the director may approve.</p>
Nevada	Yes	<p><b>Effective: January 1, 2014</b>  <b>N.R.S. 483.290</b></p>

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		<p><b>483.290. Application for license or instruction permit; acceptable documents for proof of full legal name and age; registration to vote; authority of Department to refuse to accept certain documents; regulations; consular identification cards</b></p> <p>1. An application for an instruction permit or for a driver's license must:</p> <p>(a) Be made upon a form furnished by the Department.</p> <p>(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.</p> <p>(c) Be accompanied by the required fee.</p> <p>(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.</p> <p>(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.</p> <p>(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.</p> <p>2. Every applicant must furnish proof of his or her full legal name and age by displaying:</p> <p>(a) An original or certified copy of the required documents as prescribed by regulation; or</p> <p>(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.</p> <p>3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.</p> <p>4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.</p> <p>5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:</p> <p>(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or</p> <p>(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.</p> <p>6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.</p> <p>7. With respect to any document presented by a person who was born outside of</p>

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		<p>the United States to prove his or her full legal name and age, the Department:</p> <p>(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and</p> <p>(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.</p> <p>8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.</p> <p>9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.</p>
New Hampshire	No	<p><b>Effective: [See Text Amendments] to December 31, 2014</b></p> <p><b>N.H. Rev. Stat. § 263:1</b></p> <p><b>263:1 License Required.</b></p> <p>&lt;[RSA 263:1 effective until January 1, 2015; see also RSA 263:1 effective January 1, 2015.]&gt;</p> <p>No person, except those expressly exempted under RSA 263:25 or other provisions of this title, shall drive any motor vehicle upon any way in this state unless such person has a valid driver's license, as required under the provisions of this chapter, for the class or type of vehicle being driven. Except as otherwise herein provided, any person who drives a motor vehicle in this state without having a valid driver's license of the appropriate class or type shall be guilty of a violation, provided that any person convicted of such offense for the second time in a 12 month period shall be guilty of a misdemeanor.</p>
New Jersey	No	<p><b>Effective: January 28, 2011</b></p> <p><b>N.J.S.A. 39:3-10</b></p> <p><b>39:3-10. Driver's licenses; examination; surrender of current license; classifications; issuance; license periods; renewals; denial of license; penalties</b></p> <p>No person shall drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving</p>

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		<p>course pursuant to section 6 of P.L.1977, c. 25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.</p> <p>In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.</p> <p>If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.</p>
New Mexico	Yes	<p><b>Effective: July 1, 2013</b>  <b>N. M. S. A. 1978, § 66-5-2</b>  <b>§ 66-5-2. Drivers must be licensed</b></p> <p>A. Except those expressly exempted from the Motor Vehicle Code, no person shall drive any motor vehicle, neighborhood electric car or moped upon a highway in this state unless the person:</p> <p>(1) holds a valid license issued under the provisions of the Motor Vehicle Code;</p> <hr/> <p><b>Effective: June 17, 2011</b>  <b>N. M. S. A. 1978, § 66-5-9</b>  <b>§ 66-5-9. Application for license, temporary license, provisional license or instruction permit</b></p> <p>A. An application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act, submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.</p> <p>B. An application shall contain the full name, social security number or individual tax identification number, date of birth, sex and New Mexico residence address of the applicant and briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal. For foreign nationals applying for driver's licenses, the secretary shall accept the individual</p>

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		<p>taxpayer identification number as a substitute for a social security number regardless of immigration status. The secretary is authorized to establish by regulation other documents that may be accepted as a substitute for a social security number or an individual tax identification number.</p> <p>C. An applicant shall indicate whether the applicant has been convicted of driving while under the influence of intoxicating liquor or drugs in this state or in any other jurisdiction. Failure to disclose any such conviction prevents the issuance of a driver's license, provisional license, temporary license or instruction permit for a period of one year if the failure to disclose is discovered by the department prior to issuance. If the nondisclosure is discovered by the department subsequent to issuance, the department shall revoke the driver's license, provisional license, temporary license or instruction permit for a period of one year. Intentional and willful failure to disclose, as required in this subsection, is a misdemeanor.</p> <p>G. Whenever an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the driver's record from the other jurisdiction. When received, the driver's record may become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.</p> <p>H. Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.</p> <p>I. This section does not apply to driver's licenses issued pursuant to the New Mexico Commercial Driver's License Act.</p>
New York	No	<p><b>Effective: August 14, 2010</b>  <b>McKinney's Vehicle and Traffic Law § 507</b>  <b>§ 507. Miscellaneous provisions</b></p> <p>2. Failure to exhibit license. Failure by a licensee to exhibit a license valid for operation under this chapter to any magistrate, motor vehicle license examiner, motor vehicle investigator, peace officer, acting pursuant to his special duties, or police officer shall be presumptive evidence that he is not duly licensed.</p>
North Carolina	No	<p><b>Effective: July 7, 2014</b>  <b>N.C.G.S.A. § 20-7</b>  <b>§ 20-7. Issuance and renewal of drivers licenses</b></p> <p>(a) License Required. -- To drive a motor vehicle on a highway, a person must be licensed by the Division under this Article or Article 2C of this Chapter to drive the vehicle and must carry the license while driving the vehicle. The Division issues regular drivers licenses under this Article and issues commercial</p>

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		<p>drivers licenses under Article 2C.</p> <p>(b1) Application The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:</p> <p>(1) The applicant's full name.  (2) The applicant's mailing address and residence address.  (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.  (4) The applicant's date of birth.  (5) The applicant's valid social security number.  (6) The applicant's signature.</p> <p>The Division shall not issue an identification card, learners permit, or drivers license to an applicant who fails to provide the applicant's valid social security number.</p> <p>(s) Notwithstanding the requirements of subsection (b1) of this section that an applicant present a valid social security number, the Division shall issue a drivers license of limited duration, under subsection (f) of this section, to an applicant present in the United States who holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States if the applicant presents that valid documentation and meets all other requirements for a license of limited duration. Notwithstanding the requirements of subsection (n) of this section addressing background colors and borders, a drivers license of limited duration issued under this section shall bear a distinguishing mark or other designation on the face of the license clearly denoting the limited duration of the license</p>
North Dakota	No	<p><b>NDCC, 39-06-01</b>  <b>§ 39-06-01. Operators must be licensed--Additional licensing--Penalty</b>  1. An individual, unless exempted in this section, may not drive any motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state unless the individual has a valid license as an operator under this chapter or a temporary operator's permit issued under chapter 39-20.</p> <hr/> <p><b>NDCC, 39-06-07.1</b>  <b>§ 39-06-07.1. Proof of name, date of birth, and legal presence for operator's license application</b>  An applicant must verify the applicant's name, date of birth, and legal presence on any application by a certified birth certificate or any other documentary</p>

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		evidence that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant.
Ohio	No	<p><b>Effective: September 23, 2011</b>  <b>R.C. § 4510.12</b>  <b>4510.12 Operating a motor vehicle or motorcycle without a valid license</b></p> <p>(A)(1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license issued under Chapter 4507. of the Revised Code or a commercial driver's license issued under Chapter 4506. of the Revised Code.</p>
Oklahoma	No	<p><b>47 Okl.St.Ann. § 6-103</b>  <b>§ 6-103. Persons not to be licensed--Appeal</b></p> <p>A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver license to:</p> <p>9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency;</p> <hr/> <p><b>47 Okl.St.Ann. § 6-112</b>  <b>§ 6-112. License to be carried and exhibited on demand</b></p> <p>A. Every licensee shall have his or her driver license in his or her immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a peace officer. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.</p>
Oregon	No	<p><b>O.R.S. § 807.010</b>  <b>807.010. Vehicle operating without driving privileges; violating license restrictions; offenses and penalties</b></p> <p>(1) A person commits the offense of operating a vehicle without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.</p>

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		<p><b>O.R.S. § 807.022</b>  <b>807.022. Verification of identity source documents</b></p> <p>Prior to issuing, renewing or replacing a driver license, driver permit or identification card, the Department of Transportation may verify with the issuing agency the validity and completeness of each identity source document presented by the applicant.</p> <hr/> <p><b>O.R.S. § 807.570</b>  <b>807.570. Failure to carry a license or to present a license to a police officer</b></p> <p>(1) A person commits the offense of failure to carry a license or to present a license to a police officer if the person either:  (a) Drives any motor vehicle upon a highway in this state without a license, driver permit or out-of-state license in the person's possession;</p> <hr/> <p><b>O.R.S. § 807.021</b>  <b>807.021. Requisite proof for issuance, renewal or replacement of licenses, permits or cards</b></p> <p>(1) Except as provided in ORS 807.310 (5) and 807.405 (4), prior to issuing, renewing or replacing any driver license, driver permit or identification card, the Department of Transportation shall require a person to provide the Social Security number assigned to the person by the United States Social Security Administration and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.  (2) For the purposes of subsection (1) of this section:  (a) A person provides proof of legal presence in the United States by submitting valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws.  (b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation may submit a tribal identification card as proof of legal presence in the United States if the department determines that the procedures used in issuing the card are sufficient to prove that a member is legally present in the United States.  (c) If a person is not eligible for a Social Security number, the person shall provide proof, as defined by the department by rule, that the person is not eligible for a Social Security number.  (3) The department may issue, renew or replace a driver license, driver permit or identification card for an applicant who has submitted a Social Security number only after the department verifies the Social Security number with the United States Social Security Administration. In order to verify the person's Social Security number, the department may require the person to provide proof, as</p>

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		<p>defined by rule, of the person's Social Security number.</p> <p>(4) This section does not apply if the department previously verified the Social Security number as required by subsection (3) of this section and the person applying for the driver license, driver permit or identification card is a citizen or permanent legal resident of the United States.</p>
Pennsylvania	No	<p><b>75 Pa.C.S.A. § 1501</b>  <b>§ 1501. Drivers required to be licensed</b>  <b>(a) General rule.</b>--No person, except those expressly exempted, shall drive any motor vehicle upon a highway or public property in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter. As used in this subsection, the term "public property" includes, but is not limited to, driveways and parking lots owned or leased by the Commonwealth, a political subdivision or an agency or instrumentality of either.</p> <hr/> <p><b>Effective: December 27, 2011</b>  <b>75 Pa.C.S.A. § 1503</b>  <b>§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license</b></p> <p><b>(a) Persons ineligible for licensing.</b>--The department shall not issue a driver's license to, or renew the driver's license of, any person:  (9) Who is not a resident of this Commonwealth. This paragraph shall not apply to an employee of the Federal or State Government or the employee's immediate family or a person in the service of the armed forces of the United States or the person's immediate family.</p>
Rhode Island	No	<p><b>Gen.Laws 1956, § 31-10-1</b>  <b>§ 31-10-1. License required to drive</b>  (a) No person, except those expressly exempted in this chapter, shall drive any motor vehicle upon a highway in this state unless that person has a valid license as an operator or chauffeur under the provisions of this chapter.</p> <hr/> <p><b>Gen.Laws 1956, § 31-10-12</b>  <b>§ 31-10-12. Contents of application</b>  (a) Every application for an instruction permit or for a license shall:  (1) State the full name, date of birth, sex, and residence address of the applicant;</p>
South Carolina	No	<p><b>Code 1976 § 56-1-20</b>  <b>§ 56-1-20. Driver's license required; surrender and disposition of out-of-State licenses; local licenses.</b></p> <p>No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor</p>

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		<p>vehicle driver's license issued to him under the provisions of this article.</p> <hr/> <p><b>Code 1976 § 56-1-40</b>  <b>§ 56-1-40. Persons who may not be licensed or have their license renewed; beginner's permit.</b></p> <p>The Department of Motor Vehicles may not issue a motor vehicle driver's license to or renew the driver's license of a person:</p> <p>(7) who is not a resident of South Carolina. For purposes of determining eligibility to obtain or renew a South Carolina driver's license, the term "resident of South Carolina" shall expressly include all persons authorized by the United States Department of Justice, the United States Immigration and Naturalization Service, or the United States Department of State to live, work, or study in the United States on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. These persons and their dependents are eligible to obtain a motor vehicle driver's license or have one renewed pursuant to this provision. A driver's license issued pursuant to this item to a person who is not a lawful permanent resident of the United States shall expire on the later of: (1) the expiration date of the driver's license applicant's authorized period of stay in the United States; or (2) the expiration date of the driver's license applicant's employment authorization document. However, in no event shall a driver's license issued pursuant to this item expire less than one year or more than five years from the date of its issue. In addition, a person pending adjustment of status who presents appropriate documentation to the Department of Motor Vehicles shall be granted a one-year extension of his driver's license which is renewable annually.</p> <hr/> <p><b>Code 1976 § 56-1-90</b>  <b>§ 56-1-90. Identification necessary for license; proof of Social Security number.</b></p> <p>The Department of Motor Vehicles may require every applicant to submit for identification purposes proof of name, Social Security number, and date and place of birth when applying for a driver's license. An applicant for a driver's license, driver's permit, or special identification card or a renewal thereof may sufficiently prove the existence and validity of his Social Security number, for purposes of Section 14-7-130, by any reasonably reliable document containing the Social Security number. Such a document includes, but is not limited to, an official Social Security card, Social Security check, Social Security form SSA-1099, letter from the Social Security Administration, voter registration card, payroll stub, Federal W-2 form, or U.S. military identification card. The numbers may also be obtained from the Department of Revenue pursuant to Section 12-54-240(B)(7) which permits the Department of Revenue to submit taxpayer Social Security numbers to the Department of Motor Vehicles and to</p>

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		the State Election Commission.
South Dakota	No	<p><b>SDCL § 32-12-1.1</b>  <b>32-12-1.1. Lawful status defined</b></p> <p>For the purposes of this chapter, the term, lawful status, means that a person is a citizen or national of the United States or is an alien who:</p> <p>(1) Is lawfully admitted for permanent or temporary residence in the United States;</p> <p>(2) Has conditional permanent resident status in the United States;</p> <p>(3) Has an approved application for asylum in the United States or has entered into the United States in refugee status;</p> <p>(4) Has a valid nonimmigrant status in the United States;</p> <p>(5) Has a pending application for asylum in the United States;</p> <p>(6) Has a pending or approved application for temporary protected status (TPS) in the United States;</p> <p>(7) Has approved deferred action status; or</p> <p>(8) Has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.</p> <hr/> <p><b>SDCL § 32-12-3.3</b>  <b>32-12-3.3. Evidence of lawful status in U.S. to be presented with application</b></p> <p>Any applicant under the provisions of this chapter shall, on making application for an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification card, present to the examiner evidence of lawful status in the United States. If the applicant has presented one of the identity documents listed under subdivision 32-12-3.1(1), (2), (3), (4), (5), (6), (7), or (10), the document is satisfactory evidence of lawful status. If the applicant presents the identity documents listed under subdivision 32-12-3.1(8) or (9), the document is not satisfactory evidence of lawful status. Such applicant shall also present a second document from subdivision 32-12-3.1(1), (2), (3), (4), (5), (6), (7), or (10) or documentation issued by the United States Department of Homeland Security or other federal agencies demonstrating lawful status as determined by the United States Citizenship and Immigration Services through the systematic alien verification for entitlements system or alternate method approved by the United States Department of Homeland Security.</p>
Tennessee	No	<p><b>Effective: July 9, 2012</b>  <b>T. C. A. § 55-50-301</b>  <b>§ 55-50-301. Requirements</b></p> <p>(a) Every person applying for an original or renewal driver license shall be</p>

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		<p>required to comply with and be issued a classified driver license meeting the following requirements:  (1) No person, except those expressly exempted in this section, shall drive any motor vehicle upon a highway in this state unless the person has a valid driver license under this chapter for the type or class of vehicle being driven;</p> <hr/> <p><b>Effective: July 9, 2012</b>  <b>T. C. A. § 55-50-303</b>  <b>§ 55-50-303. Eligibility</b></p> <p>(a) The department shall not issue any license under this chapter:  (9) To any person who is not a United States citizen or lawful permanent resident of the United States.</p>
Texas	No	<p><b>V.T.C.A., Transportation Code § 521.021</b>  <b>§ 521.021. License Required</b></p> <p>A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.</p> <hr/> <p><b>Effective: September 28, 2011</b>  <b>V.T.C.A., Transportation Code § 521.142</b>  <b>§ 521.142. Application for Original License</b></p> <p>(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.</p>
Utah	Yes	<p><b>U.C.A. 1953 § 53-3-202</b>  <b>§ 53-3-202. Drivers must be licensed--Taxicab endorsement--Violation</b>  (1) A person may not drive a motor vehicle on a highway in this state unless the person is:  (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;</p> <hr/> <p><b>U.C.A. 1953 § 53-3-205</b>  <b>§ 53-3-205. Application for license or endorsement--Fee required--Tests--Expiration dates of licenses and endorsements--Information required--</b></p>

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		<p><b>Previous licenses surrendered--Driving record transferred from other states--Reinstatement--Fee required--License agreement</b></p> <p>(8)(a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:</p> <p>(ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:</p> <p>(A) that a person is:</p> <p>(I) a United States citizen;</p> <p>(II) a United States national; or</p> <p>(III) a legal permanent resident alien; or</p> <p>(B) of the applicant's:</p> <p>(I) unexpired immigrant or nonimmigrant visa status for admission into the United States;</p> <p>(II) pending or approved application for asylum in the United States;</p> <p>(III) admission into the United States as a refugee;</p> <p>(IV) pending or approved application for temporary protected status in the United States;</p> <p>(V) approved deferred action status;</p> <p>(VI) pending application for adjustment of status to legal permanent resident or conditional resident; or</p> <p>(VII) conditional permanent resident alien status;</p>
Vermont	Yes	<p><b>23 V.S.A. § 601</b></p> <p><b>§ 601. License required</b></p> <p>(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont.</p> <hr/> <p><b>23 V.S.A. § 603</b></p> <p><b>§ 603. Application for and issuance of license</b></p> <p>(a)(1) The Commissioner or his or her authorized agent may license operators and junior operators when an application, on a form prescribed by the Commissioner, signed and sworn to by the applicant for the license, is filed with him or her, accompanied by the required license fee and any valid license from another state or Canadian jurisdiction is surrendered.</p> <p>(d) Except as provided in subsection (e) of this section:</p> <p>(1) A citizen of a foreign country shall produce his or her passport and visa, alien registration receipt card (green card), or other proof of legal presence for inspection and copying as a part of the application process for an operator license, junior operator license, or learner permit.</p> <p>(2) An operator license, junior operator license, or learner permit issued to a citizen of a foreign country shall expire coincidentally with his or her authorized</p>

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		<p>duration of stay.</p> <p>(e)(1) A citizen of a foreign country unable to establish legal presence in the United States who furnishes reliable proof of Vermont residence and of name, date of birth, and place of birth, and who satisfies all other requirements of this chapter for obtaining a license or permit, shall be eligible to obtain an operator's privilege card, a junior operator's privilege card, or a learner's privilege card.</p> <p>(2) The Commissioner shall require applicants under this subsection to furnish a document or a combination of documents that reliably proves the applicant's name, date of birth, and place of birth. The Commissioner may prescribe the documents or combination of documents that meets these criteria. However, the Commissioner shall accept a combination of two or more of the following documents to establish the name, date of birth, and place of birth of an applicant:</p> <p>(A) a valid foreign passport, with or without a U.S. Customs and Border Protection entry form or stamp;</p> <p>(B) a valid consular identification document issued by the government of Mexico or of Guatemala or by any other government with comparable security standards and protocols, as determined by the Commissioner;</p> <p>(C) a certified record of the applicant's birth, marriage, adoption, or divorce, including a translation if necessary.</p> <p>(3) The Commissioner shall require applicants under this subsection to furnish a document or a combination of documents that reliably proves the applicant's Vermont residence. The Commissioner may prescribe the documents or combination of documents that meets these criteria. However, the Commissioner shall accept the following combinations of documents as proof of Vermont residence:</p> <p>(A)(i) two pieces of mail received by the applicant within the prior 30 days with the applicant's current name and residential Vermont address; and</p> <p>(ii) at least one of the documents specified in subdivision (B) of this subdivision (3); or</p> <p>(B) two of the following which show name and residential Vermont address:</p> <p>(i) a vehicle title or registration;</p> <p>(ii) a document issued by a financial institution, such as a bank statement;</p> <p>(iii) a document issued by an insurance company or agent, such as an insurance card, binder, or bill;</p> <p>(iv) a document issued by an educational institution, such as a transcript, report card, or enrollment confirmation;</p> <p>(v) federal tax documents, such as W-2 or 1099 forms;</p> <p>(vi) State tax documents, such as an IN-111; and</p> <p>(vii) medical health records, receipts, or bills.</p> <p>(f) Persons able to establish lawful presence in the United States but who otherwise fail to comply with the requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201-202, shall be eligible for an operator's privilege card, a junior operator's privilege card, or a learner's privilege card, provided the</p>

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		applicant furnishes reliable proof of Vermont residence and of name, date of birth, and place of birth, and satisfies all other requirements of this chapter for obtaining a license or permit. The Commissioner shall require applicants under this subsection to furnish a document or a combination of documents that reliably proves the applicant's Vermont residence and his or her name, date of birth, and place of birth.
Virginia	No	<p><b>Effective: July 1, 2008</b>  <b>VA Code Ann. § 46.2-300</b>  <b>§ 46.2-300. Driving without license prohibited; penalties</b>  No person, except those expressly exempted in §§ 46.2-303 through 46.2-308, shall drive any motor vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided in this article, satisfactorily passed the examination required by § 46.2-325, and obtained a driver's license, nor unless the license is valid.</p> <hr/> <p><b>VA Code Ann. § 46.2-323.1</b>  <b>§ 46.2-323.1. Certification of Virginia residency; nonresidents not to be issued driver's licenses, commercial driver's licenses, learner's permits, or special identification card; penalty</b></p> <p>No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card shall be issued to any person who is not a Virginia resident. Every person applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card shall execute and furnish to the Commissioner his certificate that he is a resident of Virginia. The Commissioner or his duly authorized agent may require any such applicant to supply, along with his application, such evidence of his Virginia residency as the Commissioner may deem appropriate and adequate, provided that neither an immigration visa nor a signed written statement, whether or not such statement is notarized, wherein the maker of the statement vouches for the Virginia residency of the applicant, shall be acceptable proof of Virginia residency. If the applicant is less than nineteen years old and cannot otherwise provide proof of Virginia residency, the Commissioner may accept proof of the applicant's parent's or guardian's Virginia residency. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residency. It shall be unlawful for any applicant knowingly to make a false certification of Virginia residency or supply false or fictitious evidence of Virginia residency. Any violation of this section shall be punished as provided in § 46.2-348.</p>
Washington	Yes	<p><b>West's RCWA 46.20.001</b>  <b>46.20.001. License required--Rights and restriction</b></p>

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		<p>(1) No person may drive a motor vehicle upon a highway in this state without first obtaining a valid driver's license issued to Washington residents under this chapter. The only exceptions to this requirement are those expressly allowed by RCW 46.20.025.</p> <hr/> <p><b>Effective: June 12, 2008</b>  <b>West's RCWA 46.20.035</b>  <b>46.20.035. Proof of identity</b></p> <p>The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.</p> <p>(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:</p> <ul style="list-style-type: none"> <li>(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;</li> <li>(b) A Washington state identicard or an identification card issued by another state;</li> <li>(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;</li> <li>(d) A military identification card;</li> <li>(e) A United States passport; or</li> <li>(f) An immigration and naturalization service form.</li> </ul> <p>(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:</p> <ul style="list-style-type: none"> <li>(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and</li> <li>(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.</li> </ul> <p>(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.</p> <p>(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.</p>

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		<p>(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.</p> <p>(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license “not valid for identification purposes.”</p>
Washington, D.C.	Yes	<p><b>Effective: January 17, 2014</b>  <b>DC ST § 50-1401.05</b>  <b>§ 50-1401.05. Limited purpose driver's license, permit, or identification card.</b></p> <p>(a) The Mayor, consistent with subsections (b) and (c) of this section, shall issue a limited purpose driver's license, permit, or identification card to an applicant who:</p> <p>(1) Has resided in the District for longer than 6 months;</p> <p>(2) Has not been assigned a social security number or is ineligible to obtain a social security number; and</p> <p>(3) Meets the requirements of this section.</p> <p>(b)(1) To obtain a limited purpose driver's license or permit in accordance with subsection (a) of this section, an applicant shall:</p> <p>(A) Provide, under penalty of perjury, proof of identity, date of birth, and residency to the Department of Motor Vehicles (“Department”) as defined by the Department by rule; and</p> <p>(B) Satisfy the applicable requirements of § 50-1401.01 and sections 100 through 111 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR §§ 100-111); provided, that the Mayor shall not require an applicant for a limited purpose driver's license or permit under this section to provide a social security number or any document to prove the absence of a social security number.</p> <p>(2) An applicant shall include a certified translation of a document provided that is not in English.</p> <p>(c) To obtain a limited purpose identification card in accordance with subsection (a) of this section, an applicant shall:</p> <p>(1) Meet the requirements of subsection (b)(1)(A) of this section; and</p> <p>(2) Meet the applicable requirements of section 112 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 112); provided, that the Mayor shall not require an applicant for a limited purpose identification card under this section to provide a social security number or any document to prove the absence of a social security number.</p> <p>(d) A limited purpose driver's license or identification card issued under subsection (a) of this section shall be valid for 8 years. A limited purpose learner's or provisional permit shall be valid for the time period as set forth in § 50-1401.01(a)(2) and § 50-1401.01(a)(2A).</p> <p>(e) An individual who is issued a limited purpose driver's license or permit</p>

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		<p>under this section shall have the equivalent authorization to operate a motor vehicle as provided in § 50-1401.01 and shall be subject to all statutory and regulatory provisions pertaining to driver licensing and operation of a motor vehicle.</p> <p>(f)(1) A limited purpose driver's license, permit, or identification card issued under subsection (a) of this section shall state the following on the face of the card and in its machine-readable zone in a font size no larger than the smallest font size otherwise appearing on the card: "Not valid for official federal purposes."</p> <p>(2) The Mayor may incorporate different features but only if doing so would result in a card that appears more similar to a license issued under § 50-1401.01, or if required by the Department of Homeland Security; provided, that the Mayor does so to the minimum extent necessary to comply.</p> <p>(g) A limited purpose driver's license, permit, or identification card issued under subsection (a) of this section shall not be used to consider an individual's citizenship or immigration status, or as a basis for a criminal investigation, arrest, or detention.</p> <p>(h) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.</p>
West Virginia	No	<p><b>Effective: June 4, 2012</b>  <b>W. Va. Code, § 17B-2-1</b>  <b>§ 17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards</b></p> <p>(a)(1) No person, except those hereinafter expressly exempted, may drive any motor vehicle upon a street or highway in this state or upon any subdivision street used by the public generally unless the person has a valid driver's license issued pursuant to this code for the type or class of vehicle being driven.</p> <hr/> <p><b>Effective: June 4, 2012</b>  <b>W. Va. Code, § 17B-2-6</b>  <b>§ 17B-2-6. Application for license or instruction permit; fee to accompany application</b></p> <p>(c) Every application for an instruction permit shall state the full legal name, date of birth, sex, and residence address of the applicant and briefly describe the applicant. the application shall state whether the applicant has theretofore been a licensed driver and, if so, when, and by what state or country and whether his or</p>

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		her license has ever been suspended or revoked within five years of the date of application, or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal. The application will indicate whether the applicant desires a notation on the driver's license indicating that the applicant is an organ donor, in accordance with article one-b of this chapter, is diabetic, deaf, or hard of hearing, has any other handicap or disability, or is an honorably discharged veteran of any branch of the Armed Forces of the United States, and such other pertinent information as the commissioner may require.
Wisconsin	No	<p><b>Effective: April 25, 2014</b>  <b>W.S.A. 343.06</b>  <b>343.06. Persons not to be licensed</b></p> <p>(1) The department shall not issue a license:  (k) To any person who is not a resident.</p> <hr/> <p><b>Effective: January 1, 2014</b>  <b>W.S.A. 343.14</b>  <b>343.14. Application for license</b></p> <p>(2) The forms for application shall be determined by the department and shall include:  (es) Subject to sub. (2g)(a)2. d. and s. 343.125(2)(a) and (b), valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States or has any of the following:  1. Conditional permanent resident status in the United States.  2. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States.  3. An approved application for asylum in the United States or has entered into the United States in refugee status.  4. A pending application for asylum in the United States.  5. A pending or approved application for temporary protected status in the United States.  6. Approved deferred action status.  7. A pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.</p>
Wyoming	No	<p><b>W.S.1977 § 31-7-106</b>  <b>§ 31-7-106. License required; limited to one license</b></p> <p>(a) No person, unless exempt under this act shall drive, steer or exercise any</p>

State	Able To Drive?	Statute
		<p>degree of physical control of any motor vehicle or a vehicle being towed by a motor vehicle upon a highway in this state unless the person has been issued a driver's license for the class and type and applicable endorsements valid for the motor vehicle being driven.</p> <hr/> <p><b>W.S.1977 § 31-7-108</b>  <b>§ 31-7-108. Persons not to be licensed; investigation by the division</b></p> <p>(b) The division shall not issue or renew any driver's license to any person:  (vi) Who is in violation of the immigration laws of the United States;</p>
Territory: Puerto Rico	Yes	<p><b>9 L.P.R.A. § 5051</b>  <b>§ 5051 Basic rule</b>  No person may drive a motor vehicle on the public roads of Puerto Rico without the due authorization from the Secretary. The latter shall certify, through a license, all authorizations to drive a motor vehicle on the public roads.</p> <hr/> <p><b>9 L.P.R.A. § 5056</b>  <b>§ 5056 Requirements for driving motor vehicles</b>  Every person authorized to drive motor vehicles in Puerto Rico shall comply with the following requirements:  (c) Hold a Social Security card or a document attesting that the applicant is not eligible for a social security number or that assigning him/her a Social Security number does not apply.  (d) Hold documentation attesting to his/her name and home address.  (e) Hold documentation attesting that he/she is a United States citizen or national, a foreign national with permanent or temporary legal status or valid visa, or that he/she has requested or been granted political asylum as a refugee.</p>

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