

# Missouri Legislative Academy

## Issue Brief

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### Immigrant Drivers: Traffic Safety, Drivers' Licenses and Homeland Security

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The question of who qualifies for a state drivers' license, once a mundane issue, has become the focus of national debate - state by state - in part because of homeland security concerns.<sup>1</sup> In fact, 38 states, including Missouri, considered amendments to drivers' license laws in 2002, and many of these proposals would have further restricted immigrant access to licenses. Simultaneously, immigration into states like Missouri has increased significantly, especially immigration from Latin America. Substantial numbers of these immigrants are driving and should be required to obtain a driver's license for their own safety and that of the general public. This brief outlines the problems posed by immigrant drivers, identifies homeland security concerns, and suggests a solution to the problem of unlicensed immigrant drivers that does not conflict with security needs.

## Background

Missouri's population is changing. The 2000 Census revealed that Missouri's immigrant and foreign-born population has ballooned since 1990. According to the Census,

- One in ten St. Louis residents is foreign born.
- Kansas City ranks eleventh among cities with fastest growing population of Latinos.
- Meat packing rural counties, Sullivan, McDonald, Pettis, Lawrence, Saline, and Jasper, have experienced from 4 to 20-fold increase in Latino immigrant population.
- Small cities, like St. Joseph, Branson, Springfield, and Warrensburg, where there is high demand for manual labor, have also seen significant increases.
- The Missouri Mississippi delta counties are home to Caribbean and South American foreign-born migrant workers who help harvest crops.

***The majority of newcomers report that they want to make their homes in Missouri because they like our life style, affordability and find work is plentiful.***

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<sup>1</sup> International driver's licenses, while available to the more affluent international traveler, are not an option for Latin American migrants or political refugees.

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### **Who does not qualify for a Missouri Driver's License?**

Immigrants who do not qualify for social security cannot obtain a driver's license in Missouri. These are:

- ❑ *Spouses and relatives of foreign students and workers holding study and work visas*
- ❑ *Persons whose visa application is being processed by the Immigration and Naturalization Service (INS)*
- ❑ *Refugees who do not have official status*
- ❑ *Undocumented workers.* It is not possible to estimate how many undocumented workers there are in Missouri. Nationwide, the Bureau of the Census estimates that there are as many as ten million. In Missouri, estimates range from 10 percent to as much as 75 percent of official Census count of undocumented workers.

### **Why Modify Drivers' License Requirements?**

- ❑ *The large number of immigrants driving without a license is creating a public health hazard in rural Missouri.* In rural Missouri, there is no public transportation and driving is a necessity, with or without a license. Grocery stores, schools, health clinics and places of worship may be located at great distances from affordable housing. Unlicensed drivers are not learning US driving rules. Yet these adults, many of whom come from rural Latin America and Asia, have great need to (re)learn safe driving. The unintended consequence is that these drivers create public health hazards.
- ❑ *Persons without a license also do not purchase insurance.* Unlicensed drivers do not qualify to purchase car insurance. Hence, potentially impudent driving is compounded by lack of insurance coverage.
- ❑ *Traffic patrol has become a major burden for law enforcement.* Law enforcement officials report that immigrants are mostly law abiding, *except that* they frequently violate traffic laws. Traffic stops has become a friction point when law enforcement could be building better communication with immigrant communities.
- ❑ *It creates a subclass of Missouri residents.* Immigrants, whether documented or not, pay Missouri and federal income taxes, social security, and sales tax. A key US constitutional principle is that immigrants should not be treated as a subclass because most eventually will become lawful residents.

### **Why NOT Modify Drivers' License Requirements?**

- ❑ *Homeland Security.* Drivers' licenses have become a proxy for valid identification. Airlines accept drivers' licenses when boarding planes. This practice prompted the federal Homeland Security Office to encourage states to coordinate drivers' license requirements toward a view to homeland safety.
- ❑ Drivers' license reform to ensure homeland security has two goals:
  - *Proof of Identity.* Those holding a license should be who they say they are.
  - *Legal status.* Those holding a license should be legally within national borders under federal law. This has not previously been a concern or responsibility of states, since ensuring that a non-citizen is in the United States legally is quintessentially a federal responsibility.

*Reform efforts should promote homeland security goals as much as in compatible with the responsibility of states to take care of their citizenry.*

### **What is the State's role in Homeland Security?**

The new federal Department of Homeland Security is still working out the states' role in immigration law enforcement. Enforcement of immigration law has been a difficult task for federal government as evidenced by the large numbers of persons within the borders illegally (as much as four percent of the US population). Federal immigration enforcement efforts now focus primarily on criminal and terrorist threats, rather than the large task of ensuring that persons are legally within US borders. As is often the case when the federal government leaves an important task undone, states will have to resolve whether they will want to step into the breach. Legislators will be asked to resolve in the context of drivers' license reform, should Missouri take a greater (and unfunded) role in ensuring lawful legal present within state borders? Or should Missouri allow the increasing number of settled immigrants the opportunity to learn how to drive safely on its roads?

### **Options for Reconciling Traffic Safety, Drivers' Licenses and Homeland Security**

*The first security goal, proof of identify, can be reconciled with changing access to drivers' licenses.* Missouri can require, as an alternative to social security number as a primary document, that an immigrant present a notarized foreign birth certificate (or legal equivalent), or a tax identification number. A tax identification number can only be obtained if the applicant is working in the United States and has submitted a birth certificate to the Internal Revenue Service. Both documents ensure that the license accurately reflects who the holder is.

*The second goal, ensuring legal presence, cannot be reconciled with traffic safety.* If Missouri requires as a primary document a valid immigration visa, undocumented workers will continue to drive without a license. Once members of the undocumented worker community know that they cannot lawfully obtain a driver's license, they will cease applying. This does not necessarily mean that individuals will not drive. Necessity forces people to drive, particularly in rural areas where there is no alternative. Another disadvantage of this alternative is that drivers' license officials become immigration enforcement agents, a job that they are not trained to do and that Missouri would have to fund.

*Homeland security and public safety can be accomplished if special licenses are issued to non-citizens.* Missouri could consider issuing a special non-citizen driver's license to those who do not qualify for a social security identification number. This special license would be visually distinct so that officials from other states and airlines would be alerted that the holder is a non-citizen who does not qualify for social security identification. Within the borders of Missouri, this license would allow the holder to lawfully drive, subject the holder to the educational rigor of a driving test and would allow her to purchase insurance. This alternative is not popular with civil liberties groups because they believe that it sets apart non-citizens who may then easily become prey to discriminatory treatment but it meets public safety needs of the state of Missouri. In addition, should it be deemed necessary, it is possible to build additional protection for immigrants into the authorizing legislation.

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