

White Paper

Issuing Driving Licenses or Permits to Undocumented Persons

Background: States issue driver's licenses under the constitutional authority of the Tenth Amendment. Congress enacted REAL ID in 2005 creating standards for state-issued driver's licenses, including clear evidence that the holder of the license is undocumented. The REAL ID Act enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses." The Act established minimum security standards for state-issued driver's licenses and identification cards and prohibits Federal agencies from accepting for official purposes licenses and identification cards from states that do not meet these standards. States have made considerable progress in meeting this key recommendation of the 9/11 Commission and every state has a more secure driver's license today than before the passage of the Act. (Dept. of Homeland Security)

Twelve states and the District of Columbia have enacted laws to allow unauthorized immigrants to obtain a driver's license. These states, California, Colorado, Connecticut, Delaware, Hawaii, Illinois Maryland, New Mexico, Nevada, Utah, Vermont and Washington will issue a license if an applicant provides certain documentation such as a foreign birth certificate, a foreign passport, or a consular card and evidence of current residency in the state. In 2013, Oregon enacted a provision to provide driver's licenses for unauthorized immigrants, but a statewide referendum the following year suspended the law with 67 percent of the vote.

The only upper-Midwest state to issue driver's licenses to undocumented immigrants is Illinois. That law allows the Secretary of State to issue a temporary visitor's driver's license to an individual who has resided in Illinois for a specified time but is ineligible to obtain a Social Security number and unable to prove lawful presence. A valid, unexpired foreign passport or consular identification document from their country of citizenship are acceptable forms of identification. (www.ncsl.org/immig)

WFBF's Current Position

Page 22 Lines 23-24 "We support the ability for immigrant workers to obtain a valid driver's license provided they meet the criteria for state driving requirements."

In Wisconsin, the agricultural business sector is impacted by not allowing undocumented immigrants to obtain legal driving permits. Undocumented persons contribute heavily to the labor force in many ag businesses, including dairy and vegetable canning crops. The issue is intensified in the ag business sector because by nature, these businesses locate in rural areas where public transportation is non-existent. Without the contribution of immigrant labor – and even with the contribution of immigrant labor, many producers still struggle to find workers who are willing to perform farm work. Even though farmers follow all applicable laws regarding

hiring immigrants, these employees cannot gain access to the documentation they need to drive legally in Wisconsin.

In some rural parts of Wisconsin, the shortage of available workers has become an economic development issue. The current labor shortage our state is experiencing makes it especially difficult for rural businesses to compete for employees. Not allowing the immigrant segment of the labor force to drive legally only exacerbates the problem for rural farmers.

Currently, WFBF supports the ability for immigrant workers to obtain a valid driver's license provided they meet the criteria for state driving requirements. This policy is not qualified by documentation of legal residence.

Governor Evers has included a proposal in his version of the 2019-21 state budget to provide a program that will allow an undocumented immigrant to gain access to a legal driver's license. The current legislature did not include this same proposal in the budget version they prepared. However, this concept could still be introduced during this legislative session as a bill where it would receive considerable discussion and review as it worked through the process.

Probing Questions

In addition to the economic issues discussed above, other positives in allowing undocumented persons access to a legal driving permit seem to be supported by the research showing that people who drive without a license are five times more likely to drive drunk and almost 10 times more likely to be involved with a hit-and-run accident. To get a driver's license, undocumented workers would have to buy car insurance. That would make them less likely to take off after an accident. Uninsured motorist claims would go down, which might lower premiums for everyone.

So, why is this topic so controversial?

Perhaps because shaping public policy for the convenience of lawbreakers does not sit well with many Americans. It is preferable to use the term "undocumented worker", but this politely skirts the basic fact that they are living in a country without permission. Policy such as allowing undocumented workers to obtain driver's licenses also disrespects about four million foreigners who do respect the law enough to have applied for visas to become documented workers in hope of eventually gaining U.S. citizenship. This requires being able to read, write and speak English.

Undocumented workers may bring economic benefits and contribute taxable income, but there is a cost to the services they receive. Studies have estimated that cost to be between \$3 billion and \$116 billion annually. The fact is, no one knows for sure what undocumented immigrants cost our nation, but it is not zero. (David Whitley, Orlando Sentinel)

Coming to terms with this issue requires policy makers to balance why a proposal that could be so helpful to the agriculture industry might be harmful to the tenets of American society.