

♀ Driver's License Identification

Before 2006, the state allowed people to use either their Social Security number or federal Individual Taxpayer Identification Number, ITIN, and some foreign documents as proof of identity. The idea was to encourage a surging immigrant population to get insurance and learn driving laws.

The 2005 Technical Corrections Act was signed in Aug 2006, making it harder for documented immigrants to get a driver's license and impossible for undocumented immigrants to get them. This law also made it impossible for undocumented immigrants to renew their driver's licenses. This change [to NC State Law] allows only people who have a Social Security number or a valid unexpired visa to obtain a driver's license or a state identification card. Without a driver's license, a person is unable to register a car or get car insurance.

The change was talked about mostly as a tool to combat terrorism -- several of the perpetrators of the Sept. 11 attacks had licenses -- but it has created a crisis in the immigrant community and a potential hazard on the roads.

The consequences of this short-sighted policy decision will be felt by everyone including native North Carolinians and immigrants alike. It makes it impossible for undocumented immigrants to drive legally, impossible for them to get car insurance. This means that if an immigrant driving without a license or an expired license is involved in any car crash, they will not have any insurance and therefore anyone else involved (either as the perpetrator or victim) will not be covered by their insurance protection. But more than that, in the current political environment where Congress has placed the burden on local and state government to grapple with the immigration issue due to its inaction last year on Comprehensive Immigration Reform, this change puts undocumented immigrants at risk for detention and deportation, particularly in counties that have entered into a formal agreement with Immigration and Customs Enforcement (ICE) through one of the nine ICE ACCESS programs. The most implemented of these is the 287(g) program. The purpose of the 287(g) program is to deputize local law enforcement into doing the work of an immigration officer. They undergo a 4 week training on immigration law and are subsequently charged with the duty of detaining and deporting criminals. Each law enforcement agency signs a Memorandum of Understanding (MOU) with ICE in which the details of the program are delineated. So far, none of these MOUs ask local law enforcement to detain and deport undocumented persons for

misdemeanors, yet the great majority of those deported from most of the 287(g) counties have been deported for misdemeanor infractions, including, driving without a license. In some communities, local law enforcement agencies are setting up license checkpoints. A criminal lawyer in Alamance County, also a 287(g) county, said many people are being deported, no matter how minor the offense.

These changes have many effects on the population at large. First of all, N.C. can no longer track a segment of the population who is driving. A News and Observer article, from 6/1/08, used an estimate of 300,000 undocumented immigrants in North Carolina. Secondly, the immigrants don't study the driving rules because they are not allowed to take the test. Without driver's licenses, they can't get car insurance. More than that, insured drivers need to compensate for the uninsured. The restrictions create circumstances that force untrained, unlicensed, and uninsured drivers onto the road, making highways less safe for all North Carolinians.

Recommendations for action:

- Revoke the 2005 Technical Corrections Act which makes it impossible for undocumented immigrants to get driver's licenses, impossible to register cars, and impossible to get car insurance. Go back to the original criteria of identification required to get a valid NC driver's license.