



Providing Identification to Unauthorized Immigrants

The State and Local Landscape of Identification for Unauthorized Immigrants

By Silva Mathema November 2015

Introduction and summary

Most people do not realize the power of having an official photo identification card; it is something that is taken for granted until it is misplaced or lost. An official identification, or ID, card proves one's identity and thereby establishes trust between strangers, which helps facilitate communication and transactions. In the United States, individuals are required to show a valid form of ID to do a whole host of things, from renting an apartment, cashing a check, getting a marriage license, or picking up prescriptions to making large purchases such as cars or homes.

Yet many of the 11.3 million unauthorized immigrants in the United States do not have access to any form of identification—and often, not even to a foreign passport or birth certificate.¹ With no official way to identify who they are, many unauthorized immigrants and their families are forced to navigate an extremely difficult life in the United States. They may not be able to do simple everyday tasks such as collecting a package from a post office or borrowing a book from a public library. And they face an even greater hurdle when attempting critical activities such as enrolling their children in school, opening a bank account, or getting medical care. Since an estimated 4.5 million U.S.-born citizen children have at least one unauthorized parent, these children's access to the types of services that any U.S. citizen is entitled to is directly affected by their parents' lack of ID.² Reports have found, for example, that unauthorized parents hesitate to sign up for health benefits for their eligible children because they do not have a verifiable way to identify themselves and fear that such information may lead to their deportation.³

Ensuring that everyone has access to ID is not only beneficial for individuals but for entire communities as well. The ability of a person to identify themselves makes communities safer: For example, those with a valid form of ID have the ability to open bank accounts, which means that they may be less likely to keep large amounts of cash in their homes or to carry it around on their person, an act that could make them targets for robbers.⁴ Providing universal access to driver's licenses would make it much more likely that every person behind the wheel of a vehicle has passed a driving test and has auto insurance—all of which would help

make roads safer for other drivers and pedestrians. Moreover, U.S.-citizen children would have greater access to health care and education services—and greater stability in their day-to-day lives overall—if their unauthorized parents could obtain widely accepted identification.⁵ Increasing access to ID also would assist local service providers, such as law enforcement and health care providers, provide protection and basic health care services to those in need because the service providers would be able to verify easily the identities of those with whom they interact.

At the federal level, there is no avenue for unauthorized immigrants to secure a U.S. government-issued identification card. But the landscape looks very different at the state and local levels: The 2005 REAL ID Act, a law to standardize the issuance of driver's licenses and IDs in states, created a way for states and localities to issue forms of identification regardless of immigration status, with a caveat that such IDs cannot be used for federal purposes, such as boarding most commercial airplanes.⁶ A handful of states, localities, and service providers have recognized the advantages of increasing access to identification cards and driver's licenses for unauthorized immigrants and now provide them.

This report focuses on three approaches that states, localities, and service providers have taken to ensure that unauthorized immigrants can obtain acceptable forms of identification, including driver's licenses, municipal identification cards, and consular identification cards.⁷ These solutions are innovative ways to bridge the gap between federal policies and local realities, with each providing its own set of benefits. This report shows that these types of IDs would assist in interactions with local law enforcement and make individuals feel safe when contacting police or reaching out to other authorities for help, thereby increasing public safety in communities. Specifically, in states with laws that provide access to driver's licenses, all residents would be able to take the required road test to drive legally, making roads safer for everyone. Higher numbers of people applying for driver's licenses also would fill state coffers through additional license fee revenue. Furthermore, access to driver's licenses would increase economic participation because individuals would have enhanced mobility to get to their jobs. With valid IDs, they would be able to make larger purchases and rent apartments. Additionally, IDs such as driver's licenses also increase access to basic services for unauthorized immigrants and their families. With ID cards, for example, individuals would be able to get library cards and, in some cases, open financial accounts.

But disparities in policies across jurisdictions have resulted in a patchwork of policies with real limitations on what each of these forms of identification can offer unauthorized residents. For example, none of these IDs may be accepted for offi-

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cial purposes by federal agencies, and in 2016, it may become impossible to board an airplane without a federally accepted ID.⁸ Not only that, there is much variation in state driver's license laws for unauthorized immigrant drivers, and with only 12 states, Puerto Rico, and the District of Columbia offering this option, it is tricky to drive across state lines.⁹ It is unclear if states will give full faith and credit to the noncompliant driver's licenses issued by other states or if a driver with such a license may be charged with driving without a license. What's more, even the states that have driver's licenses for unauthorized immigrants are required by federal law to mark their driver's licenses and ID cards to communicate clearly that they cannot be accepted for federal purposes. There is fear among advocates that these marks may stigmatize the cardholders, since they may imply that the person lacks lawful immigration status.¹⁰ Furthermore, not all city services, law enforcement departments, and business establishments accept alternative forms of identification—such as municipal and consular IDs—as a valid form of identification.

This report provides an overview of the three identification approaches for unauthorized residents, builds a case for how these programs offer practical solutions, and demonstrates ways to mitigate their limitations. The report also advances the following policy recommendations:

- States should issue driver's licenses to all eligible individuals, regardless of immigration status.
- States with REAL ID-noncompliant driver's licenses marked with a recognizable feature need to ensure through regulation that there is no discrimination based on the marks.
- Localities should pursue municipal ID card programs, while also raising awareness and acceptance of the cards.
- Countries that issue or plan to issue consular IDs should improve security and awareness to increase their acceptability.
- States and localities should establish policies to bar officials from inquiring about an individual's immigration status.
- Federal lawmakers should pass immigration reform that includes a pathway to citizenship.

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