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Statement of Amy Sugimori, National Employment Law Project New York City Council, Immigration Committee Hearing on REAL ID June 24, 2005

Good Afternoon, my name is Amy Sugimori. I am an attorney with the National Employment Law Project and also a member of the New York Coalition for Immigrants' Right to Driver's Licenses. Thank you for providing us the opportunity to testify on this important matter.

The State of New York *should* not and *is* not required to implement the drivers' license provisions of the REAL ID Act of 2005 at this time. Under the law, the state has three years before it is required to comply. We urge the state to take this time to seriously consider the Act's implications and alternatives to compliance. Careful deliberation on the consequences of the Act will reveal that non-compliance with this ill-conceived law will be better for the State of New York and its hard-working residents.

The problems with the REAL ID Act's drivers' license provisions are many:

1. The REAL ID Act discriminates against members of our community—immigrants—thereby violating the very principles upon which our society is built.
2. It leaves New Yorkers more vulnerable to identity theft and invasion of privacy.
3. It is logistically prohibitive and will create unnecessary hassle for all New Yorkers—citizens and non-citizens alike.
4. The cost to implement it far exceeds the resources available, putting a strain on already-overrun state budgets and handing to states yet another unfunded mandate.
5. The provisions may lead to decreased road safety.

1. The REAL ID Act discriminates against immigrants

New Yorkers - regardless of their immigration status - need driver's licenses. They need them in order to drive to get to work, to take their children to school, to buy groceries and to access medical care. For some, such as taxi and car service drivers, delivery workers and truck drivers, driving is their job. The loss of a driver's license can have a massive impact on a person's entire life. It results in loss of jobs for those who can no longer get to work, and even loss of homes for those who are no longer able to pay rent or mortgage bills because of job loss. A system that categorically denies licenses to people based on immigration status is discriminatory and has serious social and economic consequences. Moreover, any system that would provide a visibly different form of license or permit for drivers based on immigration status essentially states that the bearer is undocumented and therefore of second-class status in the eyes of many. It could lead to the incorrect conclusion that the bearer is a person without civil, social or economic rights.

This is fundamentally inconsistent with the principles of a democratic society in which such rights are to be honored regardless of race, religion, gender and immigration status. It is inconsistent with the principles of Executive Order 41, which was adopted by New York City and will force people deeper into the shadows of society.

2. Identity theft, privacy concerns

Under REAL ID, state drivers' license records, containing more information than before, would be digitized and stored in an electronic format. They would be required to link electronically to all other states' databases and, of course, to the federal government's. As the number of people with access to these extensive records increases, so do the opportunities for abuse of this confidential information. With an already-established problem of leaks at DMV offices across the country¹, this is not the direction in which New York should be headed.

Further, the mandated system will leave New Yorkers more vulnerable to identity theft than we already are. In a year when millions of Americans' identities have been stolen or comprised through major security breaches at data storage firms like ChoicePoint and now MasterCard (where 40 million credit card numbers were stolen last week), it is troubling, to say the least, that the government plans to engage in such a perilous enterprise. By mandating such a comprehensive and accessible database, the REAL ID Act increases the chances of personal security breaches.

3. Logistical difficulties for all New Yorkers

As the National Governors' Association has stated, the REAL ID Act places DMV employees in the inappropriate position of enforcing federal immigration law. Under the new law, DMV employees would be expected to verify the authenticity of birth certificates, foreign passports, visas, and other documents. The employees are not currently trained for such responsibilities nor are there resources to support such extensive training. In Tennessee, where DMV employees were required to perform such verifications, the high rate of error and delay has created systemic problems of mistaken denials and discrimination. Shifting these responsibilities to the states on a nationwide scale will have serious social and economic consequences.

The increased time and resources that it will take to implement REAL ID's drivers' license provisions will impact all New Yorkers—citizens and non-citizens alike. Every step of the process will take more time. "If you think a trip to the division of motor vehicle is a bad experience today, wait until the REAL ID takes effect," Sen. Dick Durbin, D-Ill., has said.² The DMV will be required to verify the authenticity of each applicant's documents with the agency that issued them. This means that each of your birth certificates, Social Security cards, utility bills, and so on will have to be verified by the agency that issued the document. The current level of frustration with drivers' license renewal processes will exponentially increase as drivers are required to make multiple trips and take extra steps for verification.

4. Prohibitive cost; another unfunded mandate

The National Conference of State Legislatures (NCSL) estimates that REAL ID will cost states \$500 to \$750 million over five years, excluding indirect personnel costs, plus an ongoing \$50 to \$75 million to operate annually. The state of Virginia calculates that it will cost approximately \$45 per license to comply, adding up to a total of \$237M for Virginia alone. With a substantially larger population and other contributors to higher costs, New York would likely face even more financially devastating impacts.

Congress has yet to allocate funds to the states for REAL ID implementation. Current congressional deliberations are considering a \$100 million allocation—a mere drop in the bucket of the actual implementation costs—leaving the states to cover the difference and manage yet another unfunded mandate by the federal government. Mandates such as this one continue to threaten the fiscal health of states like New York.

In a March analysis of the proposed 2006 federal budget, NCSL identified at least \$30 billion in federal unfunded mandates and cost shifts to states—on top of mandates and cost shifts in the previous two fiscal years worth at least \$51 billion.³

¹ Joseph Menn, "Federal ID Act May Be Flawed," *LA Times*, May 31, 2005.

² Suzanne Gamboa, "Republican senator joins Democrats in criticizing new driver's license rules," *Associated Press*, May 11, 2005.

³ Phil Magers, "Analysis: States might challenge Real ID," *UPI*, May 12, 2005.

5. Less safety on the road

The drivers' license provisions of REAL ID will likely make New York less safe. As has been demonstrated in Tennessee, provisions treating immigrants differently discourage these drivers from attaining any type of drivers' certificate. This leads to unlicensed and uninsured drivers as well as more accidents. The policy of offering licenses to all drivers, regardless of immigration status, in New Mexico has resulted in a drastic reduction of uninsured motorists in that state. Not surprisingly, advocates in New Mexico are proposing the maintenance of such a system, even after the passage of REAL ID. New York can stand to gain from such a policy.

Conclusion

We respectfully recommend that the New York City Council take a strong stand in opposition to REAL ID, a law that never went through proper deliberative channels, ignored the input of states, and that has been described as one of the most mean-spirited anti-immigrant pieces of legislation in recent times.

In doing so, New York will not stand alone. The National Governors Association and the National Conference of State Legislatures have vigorously opposed the law. Gov Mike Huckabee (R—AR), vice chair of the National Governors' Association, has said that both court action against the law and noncompliance are options.

We ask you to amend Resolution Number 1009 and explicitly urge our state legislators to opt out of compliance with the drivers' license provisions of the REAL ID Act and to implement a policy that provides one drivers' license for all New Yorkers.

Thank you.