

Licenses for Immigrant Drivers in Massachusetts

By Nicole Rodriguez

Immigrants make important contributions to the Massachusetts economy. They spend income as consumers and contribute to state and local taxes.¹ Yet, they often face barriers to full inclusion and economic stability. For instance, many immigrants with specific training and credentials from their home country have a difficult time finding jobs in their field because these foreign credentials often aren't recognized here. And due to budget cuts, many immigrants seeking to improve their skills are left on waiting lists for high-demand programs like adult basic education and English language learner classes.² Additionally, many residents in Massachusetts are unable to drive because of their immigration status, further impeding their integration into our communities and our economy.

While immigration policy is largely a federal issue, states can develop local policies that address the reality that many immigrants do live in our communities. For instance, a growing number of states (11 to date) offer access to driver's licenses to all residents, regardless of immigration status. Providing access can help ensure that all drivers have the necessary qualifications and insurance to be on the road, something that affects all drivers, immigrant or not. Access to driver's licenses also supports participation in the local economy and allows people to complete basic day-to-day tasks like taking their kids to school or going to medical appointments.

Setting up a system that can reliably verify the identification of people coming from a wide range of different countries does come with some practical implementation challenges. For instance, determining standards for acceptable documentation--such as passports, birth certificates, and other foreign documents--can be complicated since countries issue these documents in different ways. States should weigh these challenges against the practical considerations of increasing driver competence, family well-being, and highway safety.

PUBLIC SAFETY AND ACCOUNTABILITY

Our state's driver's license system helps provide an important public safety function. To be licensed, drivers must demonstrate basic knowledge of traffic laws, have good vision, and pass a driving test. In addition, drivers must keep their licenses up-to-date through periodic renewals and carry automobile insurance, protecting oneself and others in the case of an accident. The AAA Foundation for Traffic Safety reports that unlicensed drivers are almost 5 times more likely to be in a fatal accident than licensed drivers.³

Expanding access to driver's licenses can help improve roadway responsibility and accountability. Police can do their jobs more effectively when all drivers have a driver's license, as it would allow them to identify drivers and access accurate traffic records. Local law enforcement officials have stated that driver's licenses can help avoid time that not only police would have to use to identify someone

without a license but also first responders’ ability to identify individuals they are helping in medical emergencies.⁴

In general, increasing access to driver’s licenses can help facilitate a more trusting relationship between law enforcement and immigrant communities. These communities would be more likely to come forward as victims and witnesses of crimes because they have licenses to identify themselves.⁵

IMPACT ON WORKING FAMILIES AND WELL-BEING

In Massachusetts, more than 80 percent of residents rely on a vehicle to get to work.⁶ In fact, the average commute time for foreign-born immigrants living in Massachusetts is about half an hour, higher than the national average.⁷ Having a license can help immigrants find better job matches by opening up options to work overtime, change work schedules and gain additional responsibilities, all of which can improve the local economy.⁸ In addition, it can help businesses with higher concentrations of foreign-born workers, such as farming, landscaping and construction, which require workers to travel to various locations and transport tools and materials.⁹

Expanding access to driver’s licenses can impact the well-being of immigrant parents and their children, many of whom are U.S. citizens.¹⁰ Parents need to be able to drive their kids to school, take them to doctor’s appointments, and go to the grocery store. Residents are particularly dependent on cars in less populated areas, such as in Central and Western Massachusetts, where public transportation is not easily accessible. For many families in Massachusetts, driving is a critical component of daily life.

Driver’s licenses are the most common form of identification. They are often used to open bank accounts, cash checks, and apply for credit cards.¹¹ Without proper documentation, immigrants have a harder time participating in the financial systems, which can impair the economic security of immigrants and their citizen family members. While there is debate about whether states should support the ability of all immigrants to participate in our local economies, providing access to the formal financial system can improve the well-being and productivity of immigrants and their citizen family members.¹²

IMPACT ON STATE REVENUE

The Registry of Motor Vehicles (RMV) license and registration fees support the Massachusetts Department of Transportation (MassDOT) services and overall investments in Massachusetts’ transportation system, such as our roads and bridges.¹³ If 60 percent of eligible immigrants apply for licenses, we estimate this could generate an additional 90,000 new drivers and about \$7.2 million in additional one-time revenue from permit and license fees.¹⁴



Participation rates average about 60 percent in states that offer access to driver’s licenses to all residents.¹⁵ Also, the state can expect additional on-going revenue from license renewal fees.

Some of this revenue would have to cover costs associated with issuing licenses, such as staffing, outreach and other administrative costs. The total costs and revenue projections depend on various factors, such as how many immigrants will apply and renew, and frequency of renewal.¹⁶ But because of how current RMV fees are structured, we can be relatively certain that these fees are well above the actual cost of issuing licenses - as RMV’s operating budget is only about 12 percent of total RMV fees.¹⁷

Potential State Revenue from License Fees
(excluding road test and vehicle registration fees)

If 33% of undocumented immigrants get licenses	If 60% of undocumented immigrants get licenses	If all (over 18) of undocumented immigrants get driver’s licenses
\$4.0 million	\$7.2 million	\$ 12.0 million

Institute on Taxation and Economic Policy’s analysis of the Migration Policy Institute undocumented immigrants population data (2015)

IMPLEMENTATION CONSIDERATIONS

Eleven states plus Washington DC and Puerto Rico have laws that offer access to driver’s licenses to all residents.¹⁸ At least 12 other states, including Massachusetts, are considering extending this eligibility.

As states continue to discuss whether to expand access to driver’s licenses to all immigrants, they will have to consider some implementation challenges. Most pressing of these challenges is how to establish documentation requirements for proving identity and residency of applicants coming from a wide range of countries. Since many immigrants do not hold the same types of documentation as do U.S. citizens, states are creating new eligibility standards, including the following:

- To prove identity, Social Security numbers (SSN) are commonly used, but many noncitizens won’t have this. States have dealt with this in several ways. For instance, some states allow applicants to indicate that they are ineligible for a SSN and others, like Vermont, require a letter from the Social Security Administration indicating their ineligibility.¹⁹ Maryland requires proof that they filed taxes for the two years prior.²⁰ However, requiring tax filing can exclude otherwise eligible immigrants who earned too little to file taxes.
- To prove residency, many states accept utility bills and bank or credit card statements. Some states impose stringent requirements such as requiring immigrants to have lived in the state for a longer period than applicants for a standard license.²¹ Other states like California, Connecticut and Vermont work with foreign consulates, community organizations, and experts to help figure out which documents immigrants commonly hold and how to verify their authenticity.²²

DEFERRED ACTION AND DRIVER'S LICENSES

All states do currently offer driver's licenses to qualifying immigrant youth under President Obama's 2012 executive action, Deferred Action for Childhood Arrivals (DACA). DACA allows immigrant youth to stay here legally if they arrived in the U.S. before the age of 16 and meet other age, education, and continuous presence requirements.²³

Additional executive actions announced in 2014 would have expanded the length of the DACA program and created a new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program for parents of DACA youth. The 2014 actions would have further expanded access to driver's licenses to these parents of DACA youth, but a federal district court in Texas has issued an order that temporarily blocks DAPA and expanded DACA. These ongoing legal proceedings have not affected the original DACA program.

- ¹ Institute on Taxation & Economic Policy. (2015). [Undocumented Immigrants' State & Local Tax Contributions](#).
- ² National Skills Coalition. (2015). [Adult Basic Education](#); MassBudget. (2015). [Adult Basic Education](#).
- ³ [High-Risk Drivers Fact Sheet](#) (AAA Foundation for Traffic Safety).
- ⁴ Police Executive Research Forum. (2012). [Voices From Across the Country: Local Law Enforcement Officials Discuss the Challenges of Immigration Enforcement](#). Pg. 15;
- Tupper, M. et al. (2014). [Safe Roads in Iowa: Why a Temporary Driver's Card for Eligible Immigrants Protects the Public](#) (letter signed by numerous law enforcement officials in Iowa).
- ⁵ City of New York. (2004). Mayor de Blasio, Police Commissioner Bratton, Immigrant Affairs Commissioner Agarwal Announce Acceptance of IDNYC as Valid Identification by NYPD.
- ⁶ U.S. Census Bureau, 2011-2013 3-Year American Community Survey, S0201 Selected Population Profile in the United States.
- ⁷ U.S. Census Bureau, 2011-2013 3-Year American Community Survey, S0501 Selected Characteristics of the Native Foreign-Born Populations.
- ⁸ Hendricks, S. (2014). [Living in Car Culture Without a License: The Ripple Effects of Withholding Driver's Licenses from Unauthorized Immigrants](#).
- ⁹ Hendricks, S. (2014). [Living in Car Culture Without a License: The Ripple Effects of Withholding Driver's Licenses from Unauthorized Immigrants](#). Pg. 5
- ¹⁰ Pew Hispanic Center. (2010). [Unauthorized Immigrants and Their U.S. Born Children](#). Pg.4
- ¹¹ Wong, T.S. (2014). "[Branded to Drive: Obstacle Preemption of North Carolina Driver's Licenses for DACA Grantees](#)," Hamline Law Review: Vol. 37: Iss. 1, Article 3, pg. 87
- ¹² Lopez, M. P. (2008). [More Than a License to Drive: State Restrictions on the Use of Driver's Licenses by Noncitizens](#). Southern Illinois University Law Journal, 29, 2004-2005. Pg. 111
- ¹³ Transportation for Massachusetts. (2011) [Maxed Out: Massachusetts Transportation at a Financing Crossroad](#), A Primer from Transportation for Massachusetts. Pg. 5- 6
- ¹⁴ Institute on Taxation and Economic Policy's analysis of the Migration Policy Institute undocumented immigrants population data (2015)
- ¹⁵ Ibid.
- ¹⁶ Pew Charitable Trusts. (2015) [Deciding Who Drives: State Choices Surrounding Unauthorized Immigrants and Driver's Licenses](#). Pg 12
- ¹⁷ Transportation for Massachusetts. (2011) [Maxed Out: Massachusetts Transportation at a Financing Crossroad](#), A Primer from Transportation for Massachusetts. Pg. 6;
- Massachusetts Department of Transportation (MassDOT), Office of the Chief Financial Officer. (2010) Fiscal Year 2011 Transportation Budget in Plain Language Explanation of MassDOT Funding Sources. Pg 14
- ¹⁸ National Immigration Law Center. (2015). [State Laws for Driver's Licenses for Immigrants](#).
- ¹⁹ "Vermont Department of Motor Vehicles. "[Undocumented Immigrants in the United States](#),"
- ²⁰ Pew Charitable Trusts. (2015) [Deciding Who Drives: State Choices Surrounding Unauthorized Immigrants and Driver's Licenses](#). Pg 17
- ²¹ Ibid. Pg 17
- ²² Ibid. Pg 18
- ²³ US Department of Homeland Security. (2013) [Deferred Action for Childhood Arrivals](#).