

LIVING IN CAR CULTURE WITHOUT A LICENSE

*The Ripple Effects of
Withholding Driver's Licenses
from Unauthorized Immigrants*

By Sarah E. Hendricks

April 2014

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FROM UNAUTHORIZED IMMIGRANTS**

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THE RIPPLE EFFECTS OF WITHHOLDING DRIVER'S LICENSES FROM UNAUTHORIZED IMMIGRANTS

Community leaders in the United States increasingly recognize the contributions of immigrants to the growth of state and local economies, in both traditional and new immigrant destinations, as immigrants help revitalize declining communities and ailing economies. In recognition of these contributions, states and cities across the country are creating welcoming initiatives that seek to integrate and maximize the contributions of immigrant workers and entrepreneurs of all backgrounds, without an emphasis on legal status. On a parallel track in terms of initiatives that facilitate the integration of foreign-born arrivals, some states offer driver's licenses to unauthorized immigrants. Many more states are considering it. This makes sense given that the United States is among the top motor-vehicle dependent countries in the world.¹ States that do not offer driver's licenses to unauthorized immigrants will limit the contributions that immigrant communities as a whole can potentially make, are likely to face negative economic and public safety consequences, and tend to fail in attempts to use such restrictive state-level policies to reduce the presence of unauthorized immigrants.

Individual immigrants must travel to get to work, to the grocery store, to church, to community functions, and to health clinics—and must generally travel by car—like the rest of the population living in the United States. The decision whether to allow unauthorized immigrants to have access to driver's licenses also has larger social and safety implications that affect U.S. society. Immigrants aid economic growth and efficiency, revitalize depressed communities, increase wages for many workers, participate in local institutions, and contribute to U.S. communities across the nation as they seek to improve their own lives. Denying a significant proportion of immigrants the ability to access a driver's license undercuts the real and potential benefits that an immigrant population offers.

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What happens when a significant proportion of the working adult population of a community is excluded from holding a driver's license? First, many working adults will not drive, which therefore will reduce their local economic and social participation. Second, some will drive without a license, which raises public safety questions for the community. This is why many states are currently debating whether to allow unauthorized immigrants to have access to a driver's license. In order to maximize the potential social and economic contributions of immigrants to U.S. communities and states, it is in their interests to allow all qualified drivers to have access to a license, regardless of immigration status.

This paper makes the following points regarding the importance of access to driver's licenses for unauthorized Latino immigrants in particular, as well as for their receiving communities:

1. Latino immigrants bring real benefits to U.S. communities—benefits which are limited by restrictions on driving. Immigrants are workers, entrepreneurs, consumers, taxpayers, and community members, and full participation in each of these roles requires daily transportation logistics. Restrictive driver's license policies limit the ability of immigrants to fully participate in these societal roles, which then inhibits the entire community's potential for growth, development, and long-term social integration.
2. Licensing drivers based on ability to drive improves public safety. Conversely, the exclusion of unauthorized Latino immigrants from eligibility for driver's licenses and insurance, and therefore from proper road safety and driving tests, is likely to result in more dangerous roads and higher costs for insured drivers.
3. Withholding the right to drive from unauthorized Latino immigrants contributes to a hostile, threatening environment that may have long-term repercussions for U.S. communities.
4. Individual states determine whether to impose immigration-related restrictions on driver's licenses. The federal REAL ID Act of 2005 created certain standards for state-issued driver's licenses if they are to be used for certain official federal purposes; however, this does not prohibit states from issuing licenses to all drivers, regardless of status.

Restrictive driver's license policies produce a ripple effect through U.S. society, limiting the lives of individual immigrants and their families, which then affects the social and economic well-being of localities, which cumulatively produce the social and economic conditions of each individual state in the nation.

THE MORE IMMIGRANTS ARE ABLE TO DRIVE, THE MORE THEY CAN REALIZE THEIR POTENTIAL ECONOMIC AND SOCIAL CONTRIBUTIONS TO THEIR U.S. COMMUNITIES

Scholars and policymakers increasingly recognize the real and potential benefits that growing immigrant populations bring to their communities of residence, but the benefits are undercut by restrictive policies such as limitations on the ability of immigrants to drive. Immigrants are workers, entrepreneurs, consumers, taxpayers, and community members. Full participation in each of these roles requires daily transportation logistics, which most adults in the United States typically manage by driving a personal vehicle. For communities where immigrants live, restrictive driver's license policies limit the ability of

immigrants to fully participate in these societal roles, which then inhibits the entire community's potential for growth, development, and long-term social integration.

Transportation Limitations Constrain Workers and Business Owners

A growing immigrant population offsets demographic and economic stagnation and decline in some places,² contributing to economic vitality and entrepreneurial activity,³ providing needed labor in economic sectors transformed by changes in the global economy, and increasing the tax base and participation in social institutions.⁴ These benefits have led some cities, counties, and states to actively recruit immigrants and create welcoming environments by initiating programs and policies to facilitate recruitment and integration of the foreign-born population (see <http://www.welcomingamerica.org>). Excluding a substantial proportion of the working foreign-born population from access to driving directly undercuts the potential benefits that communities increasingly recognize and seek from immigrants.

The economic viability and vitality of most communities across the United States originates in the activities of workers and businesses, and the ability to drive tends to be assumed and expected of all workers. Some scholars find private vehicles to be an “indispensable employment tool,” and that their importance “can hardly be overstated” due to the necessity of commuting to work alone in spatially dispersed U.S. metropolitan areas.⁵ People who drive are more likely to find jobs, work more hours, and earn higher wages.⁶ Latino immigrants experience the same transportation needs as U.S.-born workers. There exists a catch-22 of economic needs and employment opportunities that attract immigrants to U.S. communities, who then need to drive to work but have no access to driver's licenses.⁷

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Although Latino immigrant workers use all modes of commuting other than driving alone in greater proportions than U.S.-born workers, the top alternative mode is carpooling.⁸ Carpooling may seem like a solution to transportation barriers. However, ride-sharing provides a limited solution as it only enables travel from a specific location (i.e., the home) to another specific location (i.e., work) at specific times. This allows workers without a car or the ability to drive to make a specific commuting trip to work, but it constrains locations and timing. For individual workers, this means that working overtime, or changing work schedule or work location in order to maximize one's abilities, advance in the job, or gain additional responsibilities, may not be options.⁹

Latino immigrants report that transportation plays a role in decisions regarding whether to work and which jobs to accept.¹⁰ Indeed, workers with cars tend to make more money than those who commute by other means,¹¹ and lack of access to transportation may constrain upward economic mobility and contribute to the perpetuation of poverty.¹² For immigrants,

this also means reducing the possibility for social assimilation among the first generation, and reducing the prospects for socioeconomic mobility for their children and grandchildren. For communities, transportation barriers experienced by Latino immigrants result in a portion of the workforce experiencing spatial and temporal constraints, which reduces the potential income of the Latino immigrants and their ability to contribute to the local economy through taxes, consumer spending, and other multifaceted ways.

Some Latino immigrants are workers; others are business owners. First-generation immigrants are more likely than U.S.-born individuals to start their own businesses,¹³ and numerous downtowns and business strips across the United States enjoy revitalization due to the opening of immigrant-owned businesses.¹⁴ Some of the top Latino immigrant-owned businesses clearly require vehicle ownership to travel to varying locations and to transport tools, such as businesses in construction, landscaping, and services to buildings and dwellings.¹⁵ Other Latino immigrants may choose to start their own businesses in their neighborhoods, such as cleaning or childcare, in order to be able to work in spite of transportation barriers. Transportation needs thus may significantly shape the possibility and trajectory of the businesses of immigrant entrepreneurs, and restrictions on transportation may constrain the potential for business creation and growth.

Transportation Limitations Affect Latino Immigrants as Community Members

The social and institutional strength of communities across the United States depends on the local participation of community members, and Latino immigrants form a vital demographic boon in some areas. Latino immigrant population growth has stemmed or reversed population decline in some counties, revitalizing rural communities, urban neighborhoods and business strips.¹⁶ In a country where significant proportions of non-Hispanic whites are ageing and leaving the workforce, Latinos tend to be younger¹⁷ and entering the workforce, becoming consumers and taxpayers as well as community members.¹⁸ The Latino immigrant population increase has also brought in additional state and federal program funding for education, health, other social services, and infrastructure projects to some localities.¹⁹ But the costs of education and health care of a booming population of low-income workers primarily fall to local governments.²⁰ However, according to most efforts to measure the fiscal impact of immigration at the state and national level, revenues generated by unauthorized immigrants in the form of income taxes, sales taxes, and property taxes generally exceed the cost of services they use over the long term.²¹

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Due to the dispersed spatial layout of U.S. communities, which perpetuates the dependence of U.S. society on automobiles, most institutions and businesses assume that clients, customers, and participants have access to private vehicles. For this reason, scholars focusing on various

social institutions also find that transportation barriers pose significant barriers to participation in organizations. Scholars who focus on the health system identify transportation as a limitation that prevents disadvantaged individuals, including Latino immigrants, from accessing medical care and free public health events, thus reducing the use of preventive medical care and increasing risks of illness and more costly visits to the emergency room.²² Additionally, researchers have found that transportation barriers prevent immigrants from attending community college classes and participating in events at their children's schools. Moreover, transportation barriers reduce the enrollment rates and participation of children of Latino immigrants in early childhood education programs.²³

LICENSING DRIVERS WILL IMPROVE PUBLIC SAFETY

Many states withhold access to a driver's license from unauthorized immigrants who work in U.S. communities and care for their families even though driving is vital in meeting basic needs. Some unauthorized immigrants who do not drive experience social and geographic isolation, and become more dependent on others for accessing basic resources accessible only by driving, as a result of being barred from accessing a driver's license.²⁴ Other unauthorized immigrants end up driving without licenses due to the necessity of driving.

The proportion of unauthorized immigrants who drive without a valid license is not clear, but that the practice is common comes across in newspaper articles, in qualitative transportation research, and in documentation from insurance companies. One woman shared with the *LA Times*, for example, that she has little choice but to drive to get to work, pick up groceries, and take her daughters to school, but she would rather be able to follow the law and drive with a license.²⁵ The woman's statement reflects the experience of many unauthorized immigrants who would like to respect the law and become responsible members of their receiving communities, but who experience no option except to drive without a license in order to fulfill their life responsibilities.

Without a driver's license, they could not purchase car insurance, risked vehicle impoundment, and some who did not drive in Mexico had trouble practicing and training in the United States without a license and with limited access to vehicles

Similarly, Mexican participants in focus groups held by researchers with the Institute of Transportation Studies at the University of California, Davis, shared accounts of the risks they took when they drove even though they were ineligible for a driver's license at the time. Without a driver's license, they could not purchase car insurance, risked vehicle impoundment, and some who did not drive in Mexico had trouble practicing and training in the United States without a license and with limited access to vehicles.²⁶ Unauthorized immigrants view the prospect of driving as more expensive, more frightening, and more dangerous than those with

access to driver's licenses. The researchers pointed out that the extensive use of private vehicles despite the risks reflects the compelling need to drive in U.S. communities.

The exclusion of unauthorized immigrants from eligibility for driver's licenses, and therefore from proper road safety and driving tests, is likely to result in more dangerous roads and higher costs for insured drivers. Conversely, allowing unauthorized immigrants to access a driver's license is likely to improve the safety of the roads. Public safety was the leading reason cited in California Assembly Bill 60, which was signed by the governor on October 3, 2013, for granting a separate driver's license to those who are unable to prove authorized presence under federal law, but who meet all other qualifications for licensure and provide satisfactory proof of identity and California residency. The text of the law recognizes that one in five fatal crashes is caused by an unlicensed or invalidly licensed driver, that unlicensed driving is a major public safety problem, and that the goal is to make the roads safer.

Allowing unauthorized immigrants to access a driver's license is likely to improve the safety of the roads

The California Senate Transportation and Housing subcommittee's analysis of the bill also points to a report from the California Department of Motor Vehicles²⁷ which finds that unlicensed drivers are three times more likely to cause a fatal car crash compared to licensed drivers. The goal of the California law, as stated by the author, California Assembly Member Alejo, was to improve traffic safety by ensuring "that drivers on roads are properly trained, pass the driving test, pass a background check, know our state driving laws, and become insured."²⁸ Although drivers lack licenses for many reasons, the California bill focused on reducing the number of potential drivers in this pool of unlicensed drivers by allowing immigrants unable to prove lawful status under federal law access to a license.

This goal is echoed by governors of other states who have approved allowing individuals who are unable to prove lawful status to access driver's licenses. For example, Governor Malloy of Connecticut stated in a press release following the passage of House Bill 6495, "It's about knowing who is driving on our roads, and doing everything we can to make sure those drivers are safe and that they're operating registered, insured vehicles."²⁹ Similarly, Governor Quinn of Illinois stated, following the passage of Illinois Senate Bill 957, "This common sense law will help everybody, regardless of their background, learn the rules of the road, pass a driving test and get insurance. As a result, our roads will be safer, we will create more access to job opportunities and our economic growth will be strengthened."³⁰ These statements also point to the importance of drivers operating registered and insured vehicles in protecting public safety, and the desire of reducing the financial and health liabilities due to uninsured motorist vehicle collisions that are covered by insured drivers.

Effective law enforcement is also undermined by driver's license restrictions that divert resources from more urgent public health and safety hazards, and undermine the trust of community residents that may help identify those who perpetrate crimes. Los Angeles Police Chief Charlie Beck asserted that the number of hit-and-run incidents would decrease if

unauthorized immigrants were to have access to driver's licenses.³¹ New York City Police Commissioner William J. Bratton (a former Los Angeles Police Chief) stated that the licensing procedure would also capture and record the identifying information of immigrants, which could help fight crime and terrorism.³² On the other hand, driver's license restrictions cause law enforcement officers to divert their attention from catching criminals and protecting public safety to investigating and enforcing driver's license restrictions.

WITHHOLDING THE RIGHT TO DRIVE FROM UNAUTHORIZED LATINO IMMIGRANTS CONTRIBUTES TO A HOSTILE, THREATENING ENVIRONMENT THAT MAY HAVE LONG-TERM REPERCUSSIONS FOR U.S. COMMUNITIES

Barring unauthorized immigrants from accessing driver's licenses contributes to a systematic strategy of enforcing dysfunctional federal immigration laws, which is likely to result in unfortunate long-term consequences for both immigrants and U.S. communities. The strategy, called "attrition through enforcement," or policies encouraging "self-deportation," include numerous federal, state, and local legislative proposals that aim to make life so difficult for unauthorized immigrants to live in American society that they "choose" to leave.³³ Some of these policies include requiring businesses, public schools, and churches to check proof of legal status of those whom they serve, although these particular provisions were included in Alabama HB56 of 2011 and were struck down by the courts. However, the courts have allowed other aspects of legislation aimed at restricting the lives of unauthorized immigrants to stand, including checking for lawful presence when a driver fails to present a driver's license to a law enforcement officer upon request.

Although there is no evidence that these restrictive policies have succeeded in reducing the number of unauthorized immigrants in a particular state or locality,³⁴ the restrictive laws have led to other immediate negative consequences. These consequences include the burden of providing proof of lawful presence which is imposed on U.S. citizens and foreign-born individuals who are legally present,³⁵ an increase in racial profiling and social discrimination against individuals who have physical features that indicate a possible Latino heritage,³⁶ lack of trust in law enforcement officials, who then lack informants when investigating crimes,³⁷ and unauthorized-immigrant parents not investing as much in the education of their children.³⁸ Moreover, unauthorized immigrants tend to resort to attempts at lowering their profile and reducing their visibility in U.S. communities rather than leave.³⁹ This may entail leaving their homes less frequently, making shorter trips, and travelling at night. For youth, the lack of options for meaningful social interaction and connection becomes exacerbated by being regularly watched and approached by the police when meeting in public spaces.

The immediate consequences of the restrictive policies oriented toward self-deportation could translate into longer-term consequences. The foreign-born population and their children

comprise nearly a quarter of the U.S. population,⁴⁰ and their future is entwined with the future of U.S. society. Therefore, the manner in which immigrants and their children are regarded by society, and the opportunities available to them, significantly affect their prospects. This means that creating options for meaningful social interaction and educational opportunities for children of immigrants, without the exclusionary emphasis on legal status, could reduce fear and social stigmatization, and ward off the emergence or escalation of gang activity.⁴¹ Scholars emphasize that the structural context, which includes governmental hostility or benevolence and nativist discrimination or inclusion, that greets immigrants in U.S. communities sets them and their children on a long-term course.⁴²

Access to driver's licenses is one of many elements that influence the context of reception, but limiting mobility serves to exclude and isolate various segments of the Latino population. Latino youth, for example, may have a difficult time taking advantage of extracurricular opportunities or additional educational programming if their parents cannot transport them to and from the institutions hosting the programs. If the entire weight of the experiences of an immigrant group plays a key role in the education and future of its children, as Portes and MacLeod⁴³ assert, then not only does the reception of immigrants affect the realization or suppression of the potential benefits that they offer receiving communities, but it also influences the future trajectory of a significant proportion of the next generation of U.S. society.

INDIVIDUAL STATES DETERMINE WHETHER TO IMPOSE IMMIGRATION-RELATED RESTRICTIONS ON DRIVER'S LICENSES

The United States is among the top motor-vehicle dependent countries in the world, and immigrants arriving in the United States must adapt to the United States' particular system of "automobility." Accordingly, in all measures of mobility available, recent immigrants—and Latino immigrants⁴⁴ in particular—travel less than the U.S.-born population, in spite of having the same travel needs in terms of commuting to and from work, shopping, and participating in local institutions.⁴⁵ In order to maximize the potential contributions of immigrants to their communities, it is therefore in the states' interests to facilitate the transition of immigrants as they adapt to a society dependent on automobile travel.

Many factors contribute to the lower mobility rates of Latino immigrants, but the public policies of states that determine driver's licensing requirements form a central factor. Many states have adjusted their driver's licensing policies after the REAL ID Act was passed by the U.S. Congress in 2005. The REAL ID Act created certain standards for state-issued driver's licenses in order for the federal government to accept the licenses as identification for certain official purposes.⁴⁶ Official federal purposes include entering nuclear power plants and boarding federally regulated commercial aircraft.

If all states demanded the criterion proposed by the REAL ID Act, which requires proof of certain lawful statuses in order to legally access a driver's license, over 11 million unauthorized immigrants living in the United States, representing 28 percent of the total foreign-born population,⁴⁷ would be ineligible to obtain a license. The REAL ID Act does not prohibit states from issuing licenses to all drivers, regardless of status; however, most states chose to impose immigration-related restrictions on their licenses. This trend is shifting as an increasing number of states have restored access to driver's licenses, or are creating a similar driver's privilege card, in order to license eligible drivers regardless of status.⁴⁸

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States that impose driver's license restrictions based on federal immigration status make it difficult for ineligible foreign-born community members to meet even basic needs in our automobile-dependent society. Additionally, as immigrants are increasingly regarded as central actors in the healthy functioning and vitality of their communities, limitations on the lives of immigrants also translates into social and economic limitations on entire communities. While immigration reform that could eventually resolve the problem of lack of access to driver's licenses for the majority of immigrants continues to be debated at the federal level, more individual states can continue to take action to allow all immigrants the ability to drive legally.

CONCLUSION

The adaptation to life dependent on private vehicle ownership, dubbed *transportation assimilation* by transportation scholar Evelyn Blumenberg,⁴⁹ is rendered virtually impossible for the millions of immigrants who are not able to obtain a driver's license. State-level limitations on driver's licenses threaten to endanger public safety, undermine opportunities that immigrant populations offer their communities, and contribute to a climate of fear that impedes the adaptation of immigrants. Restrictive driver's license policies thus produce a ripple effect, limiting the lives of individual immigrants and their families, which then affects the social and economic well-being of localities and, cumulatively, the wider U.S. society. Allowing unauthorized immigrants access to driver's licenses would remove a major transportation barrier for many of the 11 million individuals living in the United States without legal authorization. This pragmatic step would contribute to the well-being of communities, as well as of immigrants, by improving public safety and by helping to facilitate, rather than hinder, the long-term social and economic adjustment process of immigrants and their children.

ENDNOTES

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