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License to Thrive

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LICENSE TO THRIVE

by ANDREA BLAND

Illinois is “home to approximately 250,000 immigrant motorists who are unable to get a driver’s license and insurance.”¹ Unlicensed, uninsured drivers are involved in almost “80,000 accidents in Illinois each year, resulting in \$660 million in damage.”² In 2011, “42 percent of all fatal crashes in Illinois involved an unlicensed driver.”³

In Lake County Illinois, “28 percent of all motorists booked for traffic offenses in the last year were undocumented immigrants who could not get licenses, burdening [its] public safety system.”⁴ Often, uninsured drivers have very little means of covering vehicle damage they cause and commonly leave those bills for others cover.⁵

In January 2013, Illinois adopted legislation granting temporary driver’s licenses to undocumented immigrants. Illinois is the fourth state after New Mexico, Washington, and Utah to adopt such legislation. The law “requires undocumented immigrants to prove their identity, be tested and purchase in-

urance to drive legally on our streets and highways.”⁶ The law does not, however, “allow the license holder to use that license as identification to register to vote, to board an airplane or to purchase a firearm.”⁷ Temporary licenses are already available to “foreign students, spouses and children of temporary workers, long-term workers and others who are here legally but don’t have the Social Security numbers needed to obtain a regular driver’s license.”⁸

Some opponents of the law claim that it “sends the wrong message to reward people who have broken immigration laws.”⁹ Other opponents doubt how successful and effective the legislation will be. However, the Illinois Coalition for Immigrant and Refugee Rights contend, “data from other states that have similar programs demonstrates that immigrant motorists, if allowed, do in fact apply for licenses and insurance.”¹⁰

Still others oppose the law for different reasons, claiming the distinctive look of the driver’s license is discriminatory. The temporary driver’s licenses are “visually distinct and states on the license that it cannot be used for purposes other than driving.”¹¹ In North Carolina, civil rights activists call these types of visual distinctions “discrimination” and contend that they may lead to “racial profiling and confusion.”¹² Others say the distinction is purposefully designed to alert the limited and singular use of driving permission.¹³ In Illinois, the temporary licenses currently available to foreign students also have a similar visual distinction; the photo background is purple instead of red.¹⁴ Fred Tsao, policy director for the Illinois Coalition for Immigrant and Refugee Rights (“ICIRR”) and key drafter and advocate of the legislation, stated that the visual distinction is required by the Federal REAL ID Act of 2005.¹⁵ Although compliance with the federal law has been delayed, “it was more palatable to pass legislation that did not openly conflict with federal law.”¹⁶

Proponents of the law claim it will benefit not only undocumented immigrants, but everyone driving within the state. The legislation “promote[s] safe driving” and eases the concerns of licensed motorists by requiring all temporary licensed drivers to maintain car insurance.¹⁷ The insurance requirement will ultimately lower vehicle insurance rates for Illinois motorists because, ideally, every motorist will have coverage to remedy any damage they cause to other vehicles on the road.¹⁸

In addition, the use of uniform identification cards significantly eases the work of law enforcement and emergency personnel.¹⁹ Identifying undocumented

immigrants requires more attention than identifying licensed motorists and tending to their medical needs is challenging if the motorist is unconscious, which “increases the potential for error” in emergency situations.²⁰ With legal authority to drive, undocumented immigrants with temporary licenses would have “less reason to leave the scene of an accident,” and make it feasible for emergency personnel to identify those in need of care.²¹

Further, the law will preserve resources and generate income for the state. The legislation will “provide \$3.75 million in new revenue, ease the burden on jails and courts, assist first responders and healthcare providers, and increase the pool of urgently needed organ donors.”²²

In terms of criminal deterrence, the legislation also seeks to prevent fraud. Between 2003–2008, the FBI investigated a Chinatown driver’s license fraud ring and brought charges against the ringleaders in 2009.²³ Thirty-five Chicagoans were charged in the investigation.²⁴ Among those charged were four Illinois Secretary of State employees, one of whom received a two-year prison sentence for accepting bribes.²⁵ The scheme allowed participants with fake passports to bypass the driving portion of the driver’s license examination, as Secretary of State employees simply submitted false written examinations.²⁶ The legislation is intended to eliminate the lucrative black market for fraudulent documents by ending corruption in the Secretary of State’s Office and “reduc[ing] the number of undocumented immigrants sharing our roads.”²⁷

Despite the differing perspectives, doubts and hopes, the legislation is now law in Illinois. According to Fred Tsao, the legislation was presented at the perfect time, during post-election season when many of the “departing legislators would be more likely to vote with their conscience.”²⁸ Even Chicago’s Mayor, Rahm Emmanuel, supports the law, stating, “I strongly support state legislation that will allow every Chicagoan, regardless of legal status, to enjoy the rights and responsibilities that come with a driver’s license.”²⁹ Now, the hope for the legislation is to encourage safety and provide assurances to drivers state-wide that every driver is “tested, licensed and insured.”³⁰ Aside from safety, undocumented immigrants gain mobility, a new sense of freedom and equality. The temporary license not only supplies permission to drive, it is a license to thrive.

NOTES

1 *Immigrant Driver's Licenses Legislation will Prevent Fraud, Dry up Plack Market, and Promote Highway Safety*, ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, Dec. 10, 2012, available at http://icirr.org/content/dl_response [hereinafter *Immigrant Driver's Licenses Legislation*].

2 *Governor Quinn, Sen. President Cullerton, Mayor Emanuel Call for Driver's Licenses for All IL Motorists*, ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, Nov. 21, 2012, available at <http://icirr.org/content/governor-quinn-sen-president-cullerton-mayor-emanuel-call-drivers-licenses-all-il-motorists> [hereinafter *Driver's Licenses for All IL Motorists*].

3 Bill Brady and Mark Curran, *Licensing Undocumented Immigrants Will Make State Safer*, THE STATE JOURNAL-REGISTER, Dec. 28, 2012, available at <http://www.sj-r.com/opinions/x65621181/Bill-Brady-and-Mark-Curran-Licensing-undocumented-immigrants-will-make-state-safer> [hereinafter *Licensing Undocumented Immigrants*].

4 *Id.*

5 *Id.*

6 *Id.*

7 *Id.*

8 *Chinatown driver's license scam begs for law*, CHI. SUN TIMES, Dec. 10, 2013, available at <http://www.suntimes.com/opinions/16930424-474/editorial-chinatown-drivers-license-scam-begs-for-law.html> [hereinafter *Chinatown driver's license scam*].

9 *Id.*

10 *Immigrant Driver's Licenses Legislation*, *supra* note 1.

11 *Immigrant Driver's Licenses Legislation*, *supra* note 1.

12 WBTW News 13, *Marked NC driver's licenses for illegal immigrants spark debate*, Feb. 27, 2013, <http://www.wbtw.com/story/21411970/marked-nc-drivers-licenses-for-illegal-immigrants-spark-debate>.

13 *Id.*

14 *Chinatown driver's license scam*, *supra* note 8.

15 Fred Tsao's Email Interview, *supra* note 10.

16 *Id.*

17 *Licensing Undocumented Immigrants*, *supra* note 3.

18 *Id.*

19 *Driver's Licenses for All IL Motorists*, *supra* note 2.

20 *Id.*

21 *Chinatown driver's license scam*, *supra* note 8.

22 Latino Community Leaders Thank Senate President John Cullerton, ILL. COALITION FOR IMM. AND REFUGEE RIGHTS, <http://icirr.org/content/latino-community-leaders-thank-senate-president-john-cullerton>.

23 Frank Main, *The Watchdogs: Chinatown license fraud ring put dangerous drivers on the street*, CHI. SUN TIMES, Dec. 10, 2012, available at <http://www.suntimes.com/16546323-761/fake-passports-phony-licenses-chinatown-fraud-ring-put-dangerous-drivers-on-the-street.html>.

24 *Chinatown driver's license scam*, *supra* note 8.

25 *Id.*

26 *Id.*

27 *Id.*

28 Fred Tsao's Email Interview, *supra* note 10.

29 *Driver's Licenses for All IL Motorists*, *supra* note 2.

30 Fred Tsao's Email Interview, *supra* note 10.