



**DRIVER'S LICENSES**

**FOR ALL:**

**THE KEY TO SAFETY AND  
SECURITY IN PENNSYLVANIA**

*WHY DRIVER'S LICENSES FOR UNDOCUMENTED RESIDENTS WOULD BENEFIT PENNSYLVANIA*

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# ABOUT THE CONTRIBUTORS

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This report was prepared and written by the Social Justice Lawyering Clinic at the Stephen and Sandra Sheller Center for Social Justice at Temple University Beasley School of Law on behalf of Fight for Drivers Licenses.



The Social Justice Lawyering Clinic at the Stephen and Sandra Sheller Center for Social Justice is a student clinic at the Temple University Beasley School of Law. Students at the clinic learn firsthand about social justice issues that directly impact local communities, through legal representation, community education, and policy advocacy.



Fight for Drivers Licenses (FDL) is a grassroots network of families across Pennsylvania born out of the need for all residents, regardless of immigration status to have driver's licenses. FDL, formed in 2012 by families who had their licenses cancelled by the state, has committed to making change on this front by organizing members across Pennsylvania.

## ACKNOWLEDGMENTS

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Pennsylvania residents used to be able to apply, take a driver's exam, and receive a driver's license regardless of their immigration status. But in 2003, a law went into effect barring undocumented residents from obtaining driver's licenses, interfering with their ability to provide for themselves and their families. Just ask Karina Ambartsoumian. She was born in the Soviet Union and has been in the United States since she was eight years old. Without immigration status, she was unable to get a driver's license in Pennsylvania, which limited her ability to work, go to school, and get medical care. She explains:



*“You don't know how essential a driver's license is until you don't have one. It limits where I can get a job because it affects my mobility. My education fell through the cracks. I completed one year of college, but without reliable transportation, I sometimes could not make it to school. I am also a type 1 diabetic and if there is a situation that I am in a medical emergency and I'm by myself, I can't drive to my pharmacy to get my prescription. Depending on someone else for transportation severely limits my independence. It's frustrating to not be able to have the choice to drive. I am willing and able to take the driver's license exam and I can't because I do not have the correct documentation.”*



Undocumented residents are not the only ones who are affected. This law is bad for all Pennsylvanians because it undermines public safety and holds back economic growth.



This report illustrates how the current law is failing. It also explains why providing driver's licenses to all will benefit the Commonwealth and all of its residents.

## SUMMARY OF FINDINGS

*Driver's Licenses for All: The Key to Safety and Prosperity* is a product of research, community surveys, and conversations with individuals about Pennsylvania's current driver's license law. It demonstrates that:

### THE CURRENT LAW IS HARMFUL TO PENNSYLVANIA BECAUSE IT:

- ▶ **WASTES LAW ENFORCEMENT RESOURCES.** The scarce resources of local law enforcement and the courts are diverted to policing drivers without a license.
- ▶ **DENIES FULL ECONOMIC PARTICIPATION OF ALL PENNSYLVANIA RESIDENTS.** Undocumented residents already contribute a significant share of their income to state and local taxes. The current law hinders the full potential of these residents, including their ability to earn a decent living, take advantage of educational opportunities, and participate fully as consumers.
- ▶ **LIMITS ACCESS TO BASIC NEEDS.** The current law restricts undocumented residents' freedom of movement, where they have limited access to basic human needs such as health care, housing, and decent job opportunities.
- ▶ **HARMS FAMILY UNITY.** Undocumented residents live in fear that they will be separated from their families. Deportation proceedings can and do result from minor traffic stops. Over the past ten years, the fastest-growing category of deportations involves immigrants with traffic violations.<sup>1</sup>

### PROVIDING DRIVER'S LICENSES TO ALL PENNSYLVANIA RESIDENTS WOULD:

- ▶ **PRODUCE PENNSYLVANIA STATE REVENUE.** The state will receive substantial revenue by offering undocumented immigrants the ability to obtain driver's licenses. The estimates are in the millions of dollars for the first and subsequent renewal years.
- ▶ **PROMOTE PUBLIC SAFETY.** Providing the opportunity to all Pennsylvania residents to be tested and licensed will increase road safety.
- ▶ **IMPROVE LAW ENFORCEMENT AND IMMIGRANT COMMUNITY RELATIONSHIPS.** Some undocumented residents may refrain from notifying the authorities even when they have been victimized or have information about a crime because they fear deportation. Having state identification will help reduce fears related to cooperating with the police.
- ▶ **PROVIDE ECONOMIC BENEFITS TO ALL PENNSYLVANIA RESIDENTS.** Pennsylvania residents will benefit from the increased economic participation of undocumented residents as taxpayers. Further, by providing all residents with access to driver's licenses, there will be fewer barriers to obtaining car insurance, resulting in reduced insurance rates for all residents.

The law as it currently stands is detrimental to Pennsylvania. Providing driver's licenses to all will be beneficial to all of the state's residents.

The tragic events of 9/11 saw changes across the country that aimed to create more security for the people in our nation. While many of the policies sought to increase our security have been well-intentioned and necessary, others have had an adverse impact on the ability to ensure security for our nation. These policies have often been targeted at those people presumed to be “outsiders” in our society.<sup>2</sup>

Pennsylvania created one such policy in 2002 when it introduced language into its vehicle code explicitly barring undocumented residents from obtaining licenses.<sup>3</sup> Several years later, the Pennsylvania Department of Transportation revoked licenses, including those obtained without a social security number, although the Department had routinely accepted an Individual Taxpayer Identification Number (ITIN).

These changes created widespread insecurity among families and pushed many further into the shadows of society. Thousands of people in our state found themselves without this vital document for everyday life. These were mothers, fathers, workers, and students who had built lives around the ability to move freely throughout the state and properly identify themselves regardless of their immigration status. Residents could now face devastating consequences for acts that a few months before were everyday occurrences – grocery shopping, picking up children from school, or getting to work.<sup>4</sup> Those who lost their jobs because they had relied on driving to make a living now struggled more than ever to make ends meet for themselves and their families. Across the country, families have been torn apart solely by the inability to provide valid identification because traffic violations have been the fastest growing basis for deportations across the country<sup>5</sup>

In 2012, Fight for Drivers Licenses (FDL) was started by a group of families, who wanted to build a coalition committed to fighting for the right to a driver’s license regardless of immigration status. FDL began to build a network of concerned Pennsylvanians by going out and talking to people, developing relationships, and sharing stories. Through these efforts, FDL developed a community-based survey to ask people about their experiences given the restriction on driver’s licenses to undocumented residents. The surveys were conducted at individuals’ homes, churches, and festivals. FDL members surveyed 239 undocumented immigrants one-on-one in eight counties throughout Pennsylvania. (See Appendix B for further details about the survey).

Through these surveys, FDL was astonished by the stories they heard about the impact of the current law on people’s everyday lives. FDL realized that these stories needed to be told. This report tells the stories of these families throughout Pennsylvania and discusses the impact of Pennsylvania’s denial of driver’s licenses on public safety, human rights, and the economy.

We found that the denial of driver’s licenses undermines road safety and community security. It also hinders economic growth while costing the Commonwealth and its residents. Some residents are denied work, education, healthcare, housing, mobility, and family unity. A more inclusive policy, therefore, will benefit all Pennsylvanians by promoting the safety and security of all its residents.

Currently, ten states as well as the District of Columbia and Puerto Rico provide driver’s licenses to all of their residents (See Appendix A). Rather than waiting for the federal government to fix the broken immigration system, states and municipalities have responded by

adopting policies that seek to integrate immigrants into their communities<sup>6</sup> These policies have sought to address the stark reality of the existence of an estimated 11 million undocumented immigrants and the continued migration of many more. Many undocumented immigrants live in mixed status households with U.S. citizens and may eventually qualify for legal status to remain in the United States.<sup>7</sup> Most recently, President Obama has announced changes to the immigration system that may result in granting temporary relief for some undocumented immigrants and altering the priority of its enforcement programs.<sup>8</sup> This administrative relief provided by the federal government, however, still fails to address the reality faced by millions of immigrants who will not qualify for any kind of temporary relief. It is also subject to both legal and political challenges.<sup>9</sup> Given the continued uncertainty of federal policy, states can continue to provide leadership to ensure the safety and well-being of all of those who reside in our communities.

## COMMUNITY VOICES

***“[Not being allowed to get a license] has affected me a lot. I am very sad because I feel very helpless as a person and as a mother because my children also suffer the consequences.”***

***— FDL survey taker.***

All communities in Pennsylvania should be safe. Each resident wants to be safe from the moment they wake up in the morning, take their children to school, get to their jobs, and return home in the evening to be with their families. Pennsylvania residents look to the government to ensure their safety at home, in their neighborhoods, and on the roads.

Pennsylvania's current driver's license law undermines public safety. Due to fears of deportation, many individuals are hesitant to interact with the police. As a result, some do not contact law enforcement when they have been victimized or have information about a crime because they do not have valid state identification. Extending driver's license eligibility will reduce these fears, leading to increased communication with the police and safer communities.

Extending driver's licenses to all residents will further promote safer communities by freeing up law enforcement and court resources that would otherwise be spent on policing unlicensed drivers. It will also benefit taxpayers by eliminating the costs associated with detaining and arresting individuals who lack licenses simply because the law prevents them from getting one.

Some will argue, however, that public safety will be undermined by increasing access to driver's license to all residents. They argue that the limitation serves as a precaution to terrorism. There is no evidence, however, that extending driver's licenses to all residents, regardless of immigration status, jeopardizes national security. Rather, a securely designed licensing system can help combat fraud by requiring that applicants provide verifiable proof of identity and residency.

Finally, allowing all Pennsylvanians to apply for driver's licenses will lead to safer roads because everyone will have the opportunity to take driver's education courses and prove their driving skills during the license application process. Given that Pennsylvania has a higher traffic fatality rate than the national average, licensing residents who wish to drive becomes especially important.

## Safer Communities

All communities in Pennsylvania should feel safe. Many members of the immigrant community fear the police because any interaction with law enforcement could lead to deportation.<sup>10</sup> This fear provides a

### VOICES FOR SAFETY

*“Fears about not having state identification can prevent immigrant victims from reporting crimes. Having access to driver’s licenses in Pennsylvania, regardless of immigration status, will not only improve day-to-day interactions with the police, but also advance the overall relationship of immigrant communities with law enforcement.”<sup>12</sup>*

*— Alison Sprague, Executive Director, Victim/Witness Services of South Philadelphia, Inc*

powerful incentive for immigrants to avoid contact with law enforcement.<sup>11</sup> As a result, some individuals may refrain from notifying the authorities when they have been victimized or have information about a crime. Extending driver license eligibility, however, will lessen these fears, improve police-community relations, and result in safer communities.

In 2013, researchers at the University of Chicago conducted a survey of Latino communities in Chicago, Los Angeles, Phoenix, and Houston.<sup>13</sup> They found that the above fears are widespread: 70 percent of the undocumented Latino residents surveyed indicated they would be “less likely” to contact law enforcement if they were the victim of a crime because they fear that the police would ask about the immigration status of themselves, their friends, or their family members.<sup>14</sup> Similarly, 67 percent indicated that they would be “less likely” to report information about other crimes to law enforcement for the same reason.<sup>15</sup>

These fears are not unique to undocumented individuals. Many U.S.-born Latinos live in mixed-status households, and many of them worry that interacting with law enforcement could lead to inquiries into the immigration status of their relatives. Accordingly, 28 percent stated that they would be “less likely” to contact law enforcement if they were victimized, and 29 percent indicated that they would be “less likely” to report information about other crimes to police.<sup>16</sup>

These concerns were confirmed by the FDL survey. When asked about the impact that not having a driver's license has had on them, numerous survey takers stated that they live in fear of the police and deportation.

This strained relationship between the police and immigrant communities hinders effective law enforcement. If individuals are too afraid to report crimes in their neighborhoods, many of these crimes will go undetected or unsolved. In turn, many people living in these neighborhoods feel unsafe. For example, 65 percent of the undocumented and 29 percent of the U.S.-born Latinos who responded to the University of Chicago survey indicated that they feel less safe due to the consequences of local law enforcement's involvement in immigration enforcement.<sup>17</sup> Likewise, a significant portion of those surveyed felt that criminal activity was increasing precisely because members of the community are afraid to talk to the police.<sup>18</sup> Many

people are stuck in a terrible no-win situation. Reporting crime could result in their deportation and separation from their family and friends, while not reporting it may encourage crimes to continue to victimize members of the community.

Extending driver's license eligibility to all Pennsylvania residents will not completely eradicate all of the fear that many immigrants feel when faced with the prospect of interacting with law enforcement officers. Some may still remain hesitant to talk to police. Nevertheless, allowing all residents to obtain a license regardless of their immigration status will give the immigrant community as a whole more confidence in interacting with the police, especially if their driver's license does not otherwise indicate or mark immigration status. The ability to show law enforcement valid state identification will decrease fears associated with police interactions. Accordingly, police-community relations will likely improve and make communities safer. Law enforcement has also stated that licensing allows them, as well as other first responders, to identify individuals who they are assisting in medical emergencies.<sup>19</sup> Pennsylvania should ensure that all communities are safe places in which to work, live, and raise children.

required for transportation and booking in the event of an arrest. Further, law enforcement will seize cars of unlicensed drivers under the "Live Stop" program, forcing individuals to pay substantial towing and impound fees to get their vehicles back.<sup>21</sup> If driver's licenses are offered to all Pennsylvania residents, the police could focus more on making communities safer rather than questioning and arresting individuals who otherwise are safe drivers but cannot obtain a license under current law.

In addition to freeing up police resources, changing the law will save the taxpayers money. In Pennsylvania, it costs approximately \$32,000 to incarcerate a single person for one year.<sup>22</sup> Further, under Pennsylvania law, an individual can be imprisoned for up to six months if they are convicted of driving without a license for a second time within a seven-year period.<sup>23</sup> Consider the following hypothetical example: a mother, by necessity, is driving her young daughter to school when she gets pulled over for a burnt-out taillight. She does not have a license because the law bars her from getting one. And since she was charged with driving without a license six years ago, she is placed under arrest and eventually sentenced to six months in jail. Pennsylvania's current licensing law has just cost taxpayers \$16,000.

## Fighting Fraud

There is always the possibility of fraud in any license application system. However, a study found negligible levels of fraud in New Mexico and Washington, two states that issue licenses to undocumented residents.<sup>24</sup> Furthermore, fraud exists even in states that deny licenses to undocumented residents.<sup>25</sup>

## COMMUNITY VOICES

*"I am afraid that I am going to be deported. I am unable to move around without fear anywhere I go."*

*"I am constantly afraid. My family can't be calm. I am limited in everything [and] I live in uncertainty."*

*"[Not having a license] is something traumatic because of the uncertainty of not being able to see my children or spouse again. [I feel] the impact of not having the basic right to be able to go outside in fear of discrimination for not having a license."*

— FDL survey takers

## Law Enforcement Resources

Extending license eligibility will help support scarce law enforcement resources. In the FDL survey, 29 percent of respondents, 61 individuals, stated that they have been detained or arrested for driving without a license. It often takes two to three hours for a police officer to identify a person who cannot produce identification.<sup>20</sup> Accordingly, police likely spent up to 183 hours questioning just these 61 individuals. This number does not even take into account the extra time



New Mexico started allowing undocumented immigrants to get licenses in 2003. Since then, an ongoing audit found that ninety-nine percent of foreign national drivers who received driver's licenses used their true identity.<sup>26</sup> As of 2012, New Mexico had issued 90,000 licenses to foreign nationals and there were only four documented cases of non-New Mexico residents fraudulently obtaining a driver's license.<sup>27</sup>

Some fraud already exists in the license distribution system, even in states where undocumented immigrants are or were previously barred from obtaining licenses.<sup>28</sup> Department of Motor Vehicles employees in California, Florida, and West Virginia have been convicted for selling driver's licenses to people.<sup>29</sup> In the California incident, the prices charged for a license ranged from as low as \$500 to as high as \$2,500.<sup>30</sup>

There is no definitive data showing that permitting undocumented immigrants to apply for driver's licenses would increase fraud. Some fraud already exists in the license application system, regardless of whether the state issues or prohibits licenses to undocumented immigrants. The sensible approach to combat fraud would be to require proof of identity and residency through a combination of foreign governmental and domestic documents. (See Appendix A, State Laws Providing Driver's Licenses or Identification Cards Regardless of Immigration Status). With this safeguard in place, it is unlikely that offering licenses to all Pennsylvania residents will lead to any increased fraud.

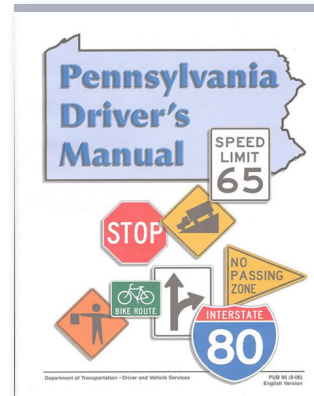
## Safer Roads

The Pennsylvania Department of Motor Vehicles was created to ensure public safety on the roads.<sup>31</sup>

To that end, prior to 2003, it encouraged everyone, regardless of immigration status, to apply for a driver's license.<sup>32</sup> Given the international variance of rules and signs as well as the potentially massive financial cost of a car accident, this was a sound policy. Pennsylvania's current restrictive licensing law, however, is not consistent with this goal.

National statistics show that licensed drivers are safer drivers.<sup>33</sup> Thus, it will be beneficial to allow all residents, regardless of immigration status, to obtain licenses. Specifically, doing so will give all Pennsylvanians the opportunity to take "on-the-road" driver's education courses and to prove their driving abilities through the written tests, skills evaluations, and vision examinations that are part and parcel of the license application process.

States that allow all residents to obtain licenses have seen significant drops in their traffic fatality rates (deaths per 100 million vehicle miles traveled). While traffic fatality rates have decreased over time due to factors such as vehicle safety innovations that have allowed many people to survive otherwise fatal crashes, some states have seen more dramatic drops in their rates.<sup>34</sup> For example, Utah's fatality rate was fairly high in 1997: it was greater than Pennsylvania's rate and the country's as a whole.<sup>35</sup> In 1999, however, Utah began allowing individuals to use their ITINs to obtain driver's licenses,<sup>36</sup> and a dramatic drop in traffic



deaths followed. By 2012, the death rate had fallen by a total of 50.9 percent,<sup>37</sup> making Utah the seventh safest state in terms of deaths per 100 million vehicle miles traveled.<sup>38</sup>

New Mexico and Washington are two other states that allow all residents to obtain driver's licenses. Like Utah, both of these states have seen significant drops in their fatality rates since expanding license access, which are greater than the national average drop in fatality rates for similar time periods.<sup>39</sup> Specifically, New Mexico has experienced a 35.5 percent decrease in its fatality rate from 2003-2011, after it extended license eligibility in 2003.<sup>40</sup> By examining Washington's rate in 2012, it has plummeted by 45.8 percent since it expanded license access in 1993 and by 41.7 percent since 1997.<sup>41</sup> Additionally, its 2012 fatality rate is the fourth lowest in the nation.<sup>42</sup>

Pennsylvania, on the other hand, is trending in the opposite direction. Pennsylvania's 2012 traffic fatality rate is the 18th highest in the country,<sup>43</sup> and its fatality rate has decreased by only 17.6 percent since 1997.<sup>44</sup> And since 2003, the year in which the current law went into effect, the Commonwealth's death rate has decreased by only 12.7 percent.<sup>45</sup> In 2012, it lagged behind with a death rate of 1.32 versus the national average of 1.14 per million vehicle miles traveled.<sup>46</sup>

Pennsylvania and the states analyzed above are going in different directions. Roads have become substantially safer in Utah, New Mexico, and Washington since they expanded driver's license eligibility. By providing all Pennsylvanians with the opportunity to obtain licenses, the Commonwealth can achieve safer roads.

A driver's license grants access to the necessities of American life. Without it, undocumented residents cannot exercise their fundamental rights. The current law creates barriers to undocumented residents achieving basic human needs. These barriers extend to all kinds of residents, including family members who are U.S. citizens and documented residents.

There are certain types of services that can be difficult or impossible to obtain without a driver's license. Offering all residents the ability to obtain a license would help them exercise their fundamental rights to free movement, family unity, and obtaining an adequate standard of living, all of which are specified in the Universal Declaration of Human Rights. Specifically, the Declaration affirms the "inherent dignity and . . . equal and inalienable rights of all members of the human family."<sup>48</sup> The University of Pennsylvania Law School's Transnational Legal Clinic identified many of

## HUMAN RIGHTS

### UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted by the United Nations in 1948, it was drafted by representatives from around the world and it lays out the rights to which all human beings are entitled.<sup>47</sup>

the negative effects discussed in this section in a recent submission to the United Nations Human Rights Committee on the driver's license issue.<sup>49</sup>

Some may argue that the current restrictions are needed to control immigration. There is no proof, however, that such restrictions succeed in discouraging undocumented immigration. Immigrants choose to come to this country without authorization often because of forces outside of their control in their home countries, such as crime, a bad economy, and political problems.<sup>50</sup> Some of these individuals also decide to migrate because they have personal ties to U.S. citizens.<sup>51</sup> Given the patchwork of immigration laws in the United States, an individual's eligibility for lawful status can change over time.<sup>52</sup>

While restricting driver's licenses is ineffective for controlling immigration, it does have a profoundly negative impact on Pennsylvania's families. This section describes the impact of the current law on the lives of unlicensed drivers. It will draw on personal stories and FDL survey data to demonstrate the human costs of Pennsylvania's current driver's license law.

### Freedom Of Movement and Family Unity

The current law significantly weakens the ability of undocumented residents and their family members, who include U.S. citizens or documented residents, to move about freely and lead lives of dignity. Article 13 of the Universal Declaration states that "[e]veryone has the right to freedom of movement and residence" within a nation.<sup>53</sup> Freedom of movement is "both an important liberty in itself and a prerequisite for other

## PERSONAL STORY

Maria Juarez is a single mother with a 17-year-old son. They have been living in Pennsylvania for 10 years. She works very hard to provide for her son—she works 12 hours a day, 7 days a week delivering food to make ends meet. But since she does not have a driver's license, she is constantly worried about being stopped by the police.

In 2013, the police pulled Maria over in Philadelphia after following her for a few blocks. Since she was unable to produce a license, the officers put her in a squad car. Alone and scared, she sat there as the officers rifled through her entire purse. At one point, the officers—who did not speak Spanish, Maria's native tongue—told her that they were going to have her deported "back to Mexico." After detaining her for more than two hours, they finally let her go. Although Maria was not ticketed or arrested, it was an extremely frightening experience for her and has colored the way in which she views law enforcement.

freedoms."<sup>54</sup> It is an essential right because mobility is tied directly to freedom: this is the main right that is taken away by imprisonment.<sup>55</sup> However, the current law does not merely limit movement. It prevents individuals from charting their own course in life by limiting their choices.<sup>56</sup>

Access to mobility affects many important aspects of an individual's life. For example, the restriction on the ability to move freely can significantly impact the availability of educational opportunities.<sup>57</sup> One of the most common uses of a vehicle is to get to school. Eighty-five percent of FDL survey takers stated that they had sacrificed educational opportunities or scholarships because they could not drive. A vast majority of survey takers, 91 percent, stated that they needed a car to take their children to school or college. The burdensome effects on mobility are not limited to undocumented residents: roughly 81 percent of FDL survey takers said that they had U.S. citizens or documented residents that rely on them for transportation.

In addition to limiting freedom of movement, the current law threatens family unity.<sup>58</sup> Because there is a possibility of arrest, detention, and deportation every time an undocumented resident encounters law enforcement, family unity is always in danger when unlicensed driving cannot be avoided.<sup>59</sup> The consequences could not be more terrible: a breadwinner on his or her way to work could be stopped at any time. Their car could be confiscated, or they themselves could be taken and trapped in deportation proceedings for a minor traffic violation.<sup>60</sup> According to a New York Times investigation, two-thirds of the roughly two million people deported since 2008 had not been convicted of any crime or were picked up for minor infractions, such as traffic violations.<sup>61</sup> The priorities for federal immigration enforcement may now change under the new Priority Enforcement Program announced by President Obama.<sup>62</sup> Nonetheless, almost 46 percent of FDL survey takers stated that they had been cited by police for driving without a license. Similarly, 29 percent of FDL survey takers stated that they had been arrested or detained solely due to driving without a license.

Children can suffer greatly when their parents become targets of federal immigration enforcement activity. The harm inflicted on the families in these circumstances is hard to even imagine, but includes job and income loss, housing instability, food hardship, and widespread behavioral changes in children.<sup>63</sup> Four million children in the United States have at least one undocumented

## PERSONAL STORY

### LETTER FROM A 17-YEAR OLD DAUGHTER OF IMMIGRANTS

“One of my biggest concerns is the inability for my parents to obtain a driver’s license. Not only can they be pulled over and receive a fine for driving without a license but they also face the risk of being deported back to their country. I face fear and anxiety when my parents are obligated to drive somewhere. My parents drive safely, properly, and avoid driving as much as possible. The fear of them not being able to return home haunts me each day after they leave the house to go to work. I am still basically a child who depends on their parents for food, money, and shelter. I have a six year old brother, who does not completely understand the situation. This builds up the stress that teenagers like myself have to face on a regular basis.”

-Alejandra Marchena

## VOICES FOR HEALTH CARE

*“I see a lot of patients who have transportation problems getting to their medical appointment or to see a specialist. I think a driver’s license is really important for helping immigrants to access health care.”<sup>64</sup>*

*-Evelym J. Rivera,  
Social Worker, Maria de los Santos Health Center.*

parent.<sup>65</sup> Just the fear caused by the chance of a caregiver being caught and detained is significant: 84 percent of FDL survey takers who are parents stated that their children are afraid their parents will be taken away from them due to driving without a license. When parents are taken from their children, the impact is devastating. The Supreme Court has recognized that a state should not be “forc[ing] the breakup of a natural family, over the objections of the parents and their children . . .”<sup>66</sup> Pennsylvania law, by denying licenses to undocumented residents, potentially allows families to be torn apart for something as minor as driving without a license.

## COMMUNITY VOICES

*“Yes, we are all people with rights to work, education, medical care and living for the simple fact that we are people. Yes, [a driver’s license] is important because it would lead to better opportunities.”*

— FDL survey taker.

## Access To Basic Needs

All Pennsylvania residents deserve to have an adequate standard of living. The Universal Declaration affirms the right of access to food, medical care, housing, education, and social services.<sup>67</sup> As previously mentioned, without education, residents cannot contribute as much to Pennsylvania’s economy and culture. However, there is a more direct impact on living standards: most people must travel to work and to obtain services. The FDL survey indicates that undocumented residents have taken inferior work opportunities and even lost jobs due to not having a license.

Healthcare is a basic necessity that can be characterized as a human right in itself.<sup>68</sup> Other basic necessities include adequate housing, food, and employment opportunities. Without a driver’s license, access to all of these things can be hard to come by.<sup>69</sup> For those without a license, even reaching the doctor’s office for

a routine visit could be an arduous task. Even when visiting the service provider is accomplished, the difficulty means more stress and less time spent at work or school.

All visits to the doctor are important. Yet eighty-five percent of FDL survey takers stated that in the past year, either they or someone in their household missed a medical appointment because they did not have a driver’s license.

The FDL survey also illuminated the difficulties undocumented residents face in providing shelter for themselves and their families. Eighty-seven percent of survey takers said they have had difficulties renting a place to live because they do not have a license. Similarly, 92 percent noted that they face trouble in obtaining utility services.

Access to adequate housing, health care, and job opportunities are all negatively affected by driver’s license bans.<sup>70</sup> These necessities are basic human needs that many Pennsylvania residents take for granted. The opportunity to obtain a driver’s license will help remove some of the barriers Pennsylvania residents face in accessing basic needs.

## PERSONAL STORY

Luis De Jesús García arrived home from work one night and went to the basement while his wife was making dinner. Luis’ daughter, who was four years old, wanted to join her father. On her way down the stairs, she tripped and broke her arm. Without a driver’s license, Luis could not drive her to the hospital to get the care she urgently needed. Instead, he had to contact many acquaintances until he found someone who could give them a ride to the hospital. This process took approximately one hour. During that nerve-racking hour, Luis and his wife felt desperate and anxious for their daughter. “Life,” Luis says, “is very difficult if you do not have a license.”

The Commonwealth of Pennsylvania, and all Pennsylvania residents, would benefit economically if driver's license eligibility was extended to all residents. The state economy is currently hindered because some residents are limited in their ability to contribute.

Undocumented residents in Pennsylvania, like their counterparts nationally, already work in multiple industries in Pennsylvania, including in large cities as restaurant, janitorial, and construction workers, and in rural areas as agricultural workers.<sup>71</sup> They contribute millions of dollars in income, property, and sales taxes in Pennsylvania.<sup>72</sup> Not having a license, however, negatively affects their financial prospects, limits their employment options, and makes it difficult to purchase car insurance. Those who are unlicensed are eager to fully participate in the economy. To the extent that they cannot do so, the current restrictions are to blame.

Some may argue that the costs of implementing a driver's license system will be expensive. The reality is that the cost of extending driver's license eligibility to all residents would be outweighed by the financial gains. Not only would licensing fees generate increased

state revenue but all residents would pay lower insurance rates by decreasing the number of uninsured drivers on the road.

Accordingly, all Pennsylvanians would benefit from the substantial state revenue that will be generated, both from licensing fees and the full economic participation of all of its residents who contribute to the tax base.

### Increased State Revenue

If undocumented residents were allowed to obtain driver's licenses, they would contribute revenue to the state. They would pay licensing fees when they first obtained their licenses and pay additional fees every four years thereafter for license renewal. An increase in car registration will further contribute to revenue. These payments would amount to millions of dollars of new revenue to the state.<sup>73</sup>

The Illinois Highway Safety Coalition calculated how much revenue would be collected from licensing fees if undocumented residents could obtain licenses.<sup>74</sup> It determined that if 50 percent of the 250,000 undocu-

mented motorists in Illinois paid the \$30 fee to get a license, then the state would receive \$3.75 million in new revenue.<sup>75</sup> If 75 percent got licenses, the state would receive \$5.63 million.<sup>76</sup> The Coalition further noted that the state would collect additional money for license renewal and other fees.<sup>77</sup>

The approach used by the Highway Safety Coalition is useful for determining the revenue the Commonwealth of Pennsylvania would collect if license eligibility were extended. In Pennsylvania, the initial license fee is \$34.50, and a renewal after four years is \$29.50.<sup>78</sup> Thus, if half of the estimated 160,000 undocumented residents in Pennsylvania obtained a license, then the state would receive \$2.76 million in new revenue.<sup>79</sup> If 75 percent obtained licenses, the state would collect \$4.14 million.

The renewal costs would be substantial as well. If 50 percent of undocumented residents consistently renewed their licenses, then Pennsylvania would bring in another \$2.36 million every four years. If 75 percent renewed, then the state would collect \$3.54 million.

## COMMUNITY VOICES

*“There are a lot of limitations because of not having a license: studying in college, renting an apartment, insuring my car, work.”*

— FDL survey taker.

**FIG. 1:** POTENTIAL STATE REVENUE FROM LICENSE FEES

	<i>If 50% of undocumented immigrants obtained licenses</i>	<i>If 75% of undocumented immigrants obtained licenses</i>
<b>FIRST YEAR</b>	\$2.76 MILLION	\$4.14 MILLION
<b>RENEWAL YEARS</b>	\$2.36 MILLION	\$3.54 MILLION

On the other hand, the cost of permitting undocumented residents to obtain licenses could be paid by the revenue generated. The Congregations Organized for a New Connecticut (CONNECT) released a memorandum on May 5, 2013 analyzing the possible costs of doing so by examining estimates from Illinois, Maryland, and Oregon.<sup>80</sup> These cost estimates are from the fiscal analysis performed by the legislature in each state, which included hiring new DMV employees as well as opening new facilities to deal with the increased demand for licenses.<sup>81</sup> See Figure 2 for the total estimated cost in these three states and Figure 3 for a per-resident estimate.

Pennsylvania has an estimated 160,000 undocumented residents, with a probable range from 110,000 to 210,000.<sup>82</sup> This number will decrease if some undocumented immigrants qualify for administrative relief provided by President Obama’s Executive Order. The current estimates nationwide are that a little over one third of undocumented individuals will benefit from that program.<sup>83</sup> Given the uncertainties surrounding the implementation of the program and its specific impact on Pennsylvania, it is hard to calculate the impact at this time, although the best current estimate would reduce revenue figures by one third.

Following CONECT’s methodology, Pennsylvania’s likely cost in the first year could range from \$243,200 to \$2.35 million. This cost would drop dramatically in subsequent years. Costs would similarly be reduced by one third if the overall number of undocumented residents decreases because of administrative relief. As the revenue figures could range from \$2.67 million to \$4.14 million, the possible costs associated with changing the current law are less than the revenue that would be generated from the new license fees. After the high cost of implementation in the first year,

the cost would substantially drop so that Pennsylvania would generate substantial revenue from licensing fees and renewals.

### Increased Economic Participation

All individuals should have the right to earn a decent wage, secure housing, and participate in the economy. The current law, however, hinders the ability of those who are ineligible for licenses to do these things. All Pennsylvania residents would benefit from eligibility for driver’s licenses necessary for full economic participation and meeting basic needs.

Undocumented residents already contribute a significant share of their income to state and local taxes. Like all other residents, they pay sales and excise taxes when they purchase goods and services, and pay property taxes directly as homeowners or indirectly as renters.<sup>84</sup>

The total amount of taxes that undocumented residents pay each year nationwide is monumental. For example, in 2010 alone, these individuals paid an estimated \$10.6 billion in state and local taxes.<sup>85</sup> This

consisted of \$1.2 billion in personal income taxes, \$1.2 billion in property taxes, and more than \$8 billion in sales and excise taxes.<sup>86</sup> In Pennsylvania, they paid an estimated \$149 million: \$45.5 million in income taxes, \$8.2 million in property taxes, and \$95.3 million in sales and excise taxes.<sup>87</sup> When reviewing these figures, it is important to keep in mind that undocumented residents make up only 1.7 percent of the Pennsylvania labor force and are a small percentage of most states’ populations.<sup>88</sup>

Current licensing laws hinder the full potential of economic activity of undocumented residents. For example, a 2011 Oregon Department of Transportation study found that many undocumented residents have reduced their activities outside the home because they do not have driver’s licenses.<sup>89</sup> As a result, undocumented families have difficulty getting to grocery stores or malls and are limited in what they are able to purchase because they lack driver’s licenses.<sup>90</sup> Similarly, in the University of Chicago survey, 61 percent of undocumented Latino immigrants stated that they are afraid to leave their homes because of local law enforcement involvement in immigration enforcement.<sup>91</sup>

**FIG. 2:** TOTAL ESTIMATED COST OF IMPLEMENTATION

	<i>Illinois</i>	<i>Maryland</i>	<i>Oregon</i>
<b><i>First year</i></b>	\$800,000	\$2.4 million	\$2.35 million
<b><i>Subsequent years</i></b>	\$250,000	\$484,000	—

**FIG. 3:** TOTAL ESTIMATED COST PER UNDOCUMENTED RESIDENT

	<i>Illinois</i>	<i>Maryland</i>	<i>Oregon</i>
<i>Estimated number of undocumented residents</i>	525,000	275,000	160,000
<i>First year</i>	\$1.52	\$8.73	\$14.69
<i>Subsequent years</i>	\$0.48	\$1.76	—

The FDL survey provides insight into the lives of undocumented immigrants in Pennsylvania and how they are economically disadvantaged due to license restrictions. Figure 4 provides a review of some of the most enlightening figures. The majority of survey takers have had to take a job for less pay or fewer hours, have had trouble renting, have had difficulties getting utility services, and were forced to give up educational opportunities because they do not have licenses. For instance, 50 percent of survey takers who had their Pennsylvania licenses revoked lost their jobs after the current law was enacted. Similarly, 67 percent of survey takers work for the Pennsylvania minimum wage of \$7.25 per hour or less.

Across the board, undocumented residents already contribute significantly to Pennsylvania’s economy. These individuals want to contribute even more, but they have been denied the ability to provide their full economic participation without access to driver’s licenses.

**Insurance Savings For All Residents**

By preventing all residents from getting driver’s licenses, Pennsylvania has erected barriers for those who want to obtain car insurance. Amending the law to allow all Pennsylvania residents to obtain driver’s licenses would provide all residents with the opportunity to get car insurance and result in a reduction in costs for insurance premiums in Pennsylvania.

This prediction is supported by statistics from other states. Since New Mexico began issuing licenses to undocumented residents in 2003, the rate of uninsured motorists has plummeted from 33 to 9 percent.<sup>92</sup> Similarly, Utah’s uninsured rate dropped from about 28 percent to 6 percent from 2000 to 2006 after it extended license eligibility in 1999.<sup>93</sup> Moreover, the Illinois Highway Safety Coalition estimates that if half of the undocumented residents obtained licenses and auto insurance, Illinois policyholders would save \$46 million per year in premium payments.<sup>94</sup> Standard insurance policies in Pennsylvania must generally cover personal injury caused by an uninsured driver.<sup>95</sup> As a result,

**FIG. 4**

RESULTS FROM THE FDL SURVEY

*Due to their ineligibility for licenses:*

**89%** *Took work for less pay or fewer hours*

**87%** *Had difficulty renting housing*

**89%** *Had difficulties getting utility service*

**85%** *Had to give up educational opportunities, a better school, or a scholarship*

individuals in Pennsylvania are required to pay an increased premium for uninsured motorist coverage.

While 71 percent of FDL survey takers who have a car said that they carried car insurance, those who cannot obtain driver’s licenses in Pennsylvania still face significant impediments to obtaining car insurance. Allowing all Pennsylvania residents to obtain driver’s licenses is the key to reducing the costs of insurance premiums. This is because extending license eligibility would facilitate the purchase of auto insurance, thereby decreasing the number of uninsured drivers on the road. Accordingly, the cost of uninsured motorist policies would decrease, making these policies more affordable for all Pennsylvania residents.

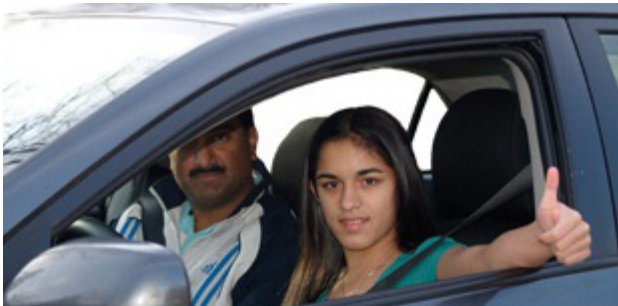


A driver's license is the key to safety and security of all Pennsylvanians. Just ask Petra Hidalgo. To Petra, driving is not a luxury, but a necessity. She is married with four children. She takes her daughters to school and to their after-school activities. She is intent on them having a better life. Driving is also necessary for her work and for her daughters to get vaccines and regular check-ups. Petra's family is religious and is involved in her local church and needs to drive to attend services. She explains:

*“I have to drive, but I am always going around with fear. I would be so happy if given the chance in Pennsylvania to take the driver's license exam and comply with the rules.”*



Denying some Pennsylvania residents a driver's license precludes them from obtaining better jobs, securing decent housing, and getting an education. The current law creates enormous fear and suffering among those who must drive to survive. Though the worst effects fall on the undocumented, this policy affects all Pennsylvanians.



Other states have recognized the disadvantages that restricting driver's licenses create for some of their residents. In response, these states have removed these barriers by providing an avenue of equal opportunity for their residents. Permitting all residents, regardless of immigration status, to obtain a driver's license would benefit our Commonwealth.





**STATE LAWS PROVIDING DRIVER’S LICENSES OR IDENTIFICATION CARDS REGARDLESS OF IMMIGRATION STATUS**

State	Law	Date Signed (Effective Date)	Identity or Residency Documents Required to Obtain a License
California	AB 60	10/3/2013 (1/1/2015)	<ul style="list-style-type: none"> <li>• Certain Mexican IDs, “approved” foreign passports or other national IDs with a foreign birth certificate, or “as many as possible of the following documents” (e.g., school documents, income tax records, marriage license, divorce decree, foreign passports, consular IDs, foreign driver’s licenses)</li> <li>• One document proving residency (e.g., lease, utility bill, medical records, bank statements)</li> </ul>
Colorado	SB 13-251	6/5/2013 (8/1/2014)	<ul style="list-style-type: none"> <li>• Proof of Colorado residency</li> <li>• ITIN</li> <li>• Identification from country of origin (e.g., passport, consular ID card, or military ID document)</li> </ul>
Connecticut	HB 6495	6/6/2013 (1/1/2015)	<ul style="list-style-type: none"> <li>• Proof of residency by mail indicating that applicant resides in the state</li> <li>• Two forms of primary identity (e.g., foreign passport, consular ID, consular report of birth) or one form of primary and secondary identity (e.g., unexpired state or foreign driver’s license, foreign voter ID, U.S. marriage certificate, school transcript, baptismal certificate)</li> </ul>
District of Columbia	B20-275	11/18/2013 (5/1/2014)	<ul style="list-style-type: none"> <li>• DMV rule will specify proof of identity, date of birth, and residency</li> </ul>
Illinois	SB 957	1/27/2013 (11/28/2013)	<ul style="list-style-type: none"> <li>• Foreign passport or consular ID</li> <li>• DMV rules will further specify proof of identification and residency</li> </ul>

**STATE LAWS PROVIDING DRIVER’S LICENSES OR IDENTIFICATION CARDS REGARDLESS OF IMMIGRATION STATUS**

State	Law	Date Signed (Effective Date)	Identity or Residency Documents Required to Obtain a License
Maryland	SB 715	5/2/2013 (1/1/2014)	<ul style="list-style-type: none"> <li>• Foreign passport or consular ID</li> <li>• Two documents for proof of residency (e.g., residential lease, utility bill, bank records)</li> </ul>
Nevada	SB 303	5/31/2013 (1/1/2014)	<ul style="list-style-type: none"> <li>• Proof of name and age may be by any two documents (e.g., another state driver’s license foreign passport, foreign birth certificate, consular ID, or any other proof acceptable to the DMV)</li> <li>• Proof of residency through original documents (e.g., utility service, bank records, lease, bill from medical provider)</li> </ul>
New Mexico	HB 173	3/18/2003	<ul style="list-style-type: none"> <li>• Must provide an ITIN or other document designated by the department</li> <li>• Proof of identity and residency requirements remain unchanged</li> </ul>
Puerto Rico	P C0900	8/7/2013 (8/7/2014)	<ul style="list-style-type: none"> <li>• Present foreign passport of consular ID</li> <li>• Regulations will further specify documents needed to establish identity and residency</li> </ul>
Utah	SB 227	3/8/2005* *Amending previous law enacted (3/18/1999)	<ul style="list-style-type: none"> <li>• Foreign birth certificate or unexpired passport</li> <li>• Other document establishing identity (e.g., matricular consular, court records, or other evidence considered acceptable by DMV)</li> <li>• ITIN</li> <li>• Two documents proving residency (e.g., bank statement, school transcript, utility bill)</li> </ul>

**STATE LAWS PROVIDING DRIVER’S LICENSES OR IDENTIFICATION CARDS REGARDLESS OF IMMIGRATION STATUS**

State	Law	Date Signed (Effective Date)	Identity or Residency Documents Required to Obtain a License
Vermont	S 38	6/5/2013 (1/1/2014)	<ul style="list-style-type: none"> <li>• Two of the following (e.g., foreign passports, consular IDs, certified record of birth, marriage, divorce)</li> <li>• Letter from SSA indicating ineligibility to receive social security number</li> </ul>
Washington	HB 1444	5/17/1993 (7/25/1993)	<ul style="list-style-type: none"> <li>• Two pieces of mail (e.g., bank records, health records, school records, tax documents)</li> <li>• A combination of documents (e.g., foreign passport, foreign driver’s license, consular ID, marriage certificate, divorce decree, property deed)</li> <li>• Residency documents (e.g., utility bills, bank records, ITIN letter, school transcript)</li> </ul>

## FDL SURVEY RESULTS

FDL’s survey is a preliminary community-based survey. FDL members surveyed 239 undocumented immigrants one-on-one in several counties throughout Pennsylvania. The surveys were conducted at individuals’ homes, churches, and festivals. Many of the questions required a yes or no answer, but sometimes the questions were more open-ended allowing survey takers to more fully express their experiences. Roughly 62 percent were male and 38 percent were female. The ages of survey takers ranged from 18 to 70, with thirty year olds being the largest age group that responded. Survey takers lived in eight different counties in Pennsylvania: Bucks, Cumberland, Dauphin, Delaware, Lancaster, Montgomery, Northampton, and Philadelphia County.

The issue of drivers’ licenses touches all immigrant communities. For logistical reasons, FDL’s survey focused only on Spanish- and Portuguese-speaking immigrants. This survey is not intended to be an in-depth statistical analysis or an all-encompassing assessment of undocumented residents without driver’s licenses in Pennsylvania. Rather, its intent is to illustrate the kinds of concerns and issues that were raised by not having access to a driver’s license in Pennsylvania. Some of the survey results are highlighted below.

<i>Question</i>	<i>% Yes</i>	<i>% No</i>
Of those who had a license but it was cancelled, did the cancellation of your license cause you to lose your work?	50	50
Without access to a license, have you had to take work with less pay or less hours?	89	11
Have you had difficulties renting housing because of lack of ID?	87	13
Have you had difficulties getting utility services in your name because of lack of ID?	92	8
In the last year, did you or a family member have to miss a medical visit of any kind because you did not have a driver’s license?	85	15
Do you need a car to take your children to primary school, high school or to college?	91	9
Have you had to give up educational opportunities, a better school, or scholarship because of a lack of a driver’s license?	85	15
If you cannot get a Pennsylvania license because of your immigration status, are there U.S. Citizens or other documented immigrants in your family who rely upon you for their transportation?	81	19
Have you been cited for driving without a license?	46	54
Have you been arrested or detained for driving without a license or for not producing appropriate identification?	29	71
Have your children expressed fear of losing their parents for driving without a license?	84	16
If you have a car, did you register car and pay auto insurance?	71	29

## **FDL SURVEY RESULTS**

While the goal was to obtain a response to all of the survey's questions, survey takers may have skipped or declined to answer a question. The question may also not have been applicable to a particular survey taker (e.g., several questions were for individuals with children). This "item non-response" is typical in large field surveys. Where data from the survey is reported, percentages based on the total number of responses to the particular question are used, and the number of responses is clarified when necessary.

Beyond some of the results that are reproduced above, the survey takers identified that they generally struggle socially and economically. More than half of the survey takers made minimum wage or less (67 percent). Even with access to a driver's license, many survey takers identified that they would continue to struggle with basic needs: quality education (40 percent); affordable medical care (47 percent); housing (35 percent); work with decent salary (50 percent); food (26 percent); and getting a green card (46 percent).

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6. NATIONAL IMMIGRATION LAW CENTER, *Inclusive Policies Advance Dramatically in the States: Immigrants' Access to Driver's Licenses, Higher Education, Workers' Rights, and Community Policing* (Oct. 2013), available at <http://www.nilc.org/pubs.html>.
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10. Kevin R. Johnson, *Driver's Licenses and Undocumented Immigrants: The Future of Civil Rights Law?*, 5 NEV. L.J. 213, 224 (2004).
11. *Id.*
12. Telephone Interview with Alison Sprague, Executive Director, Victim/Witness Services of South Philadelphia, Inc. (April 8, 2014) (on file with author).
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14. *Id.* at 5.
15. *Id.*
16. *Id.*
17. *Id.* at 8.
18. *Id.* Sixty-three percent of the undocumented and 31 percent of the U.S.-born Latinos who responded to the survey stated that criminals and drug dealers have been moving into their neighborhoods because these individuals know that members of the community are afraid to talk to the police. *Id.*
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27. *Fact Sheet on Driver’s Licenses for All: A Public Safety Issue 2012*, 59:3 LA PALABRA (League of Women Voters of New Mexico), Winter 2012, at 5, <http://www.lwvnm.org/newsletters/Winter12.pdf>.
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30. See Bleier, *supra* note 29.
31. See Johnson, *supra* note 10, at 220.
32. See *id.*
33. Licensed drivers are five times less likely than unlicensed drivers to be involved in a fatal crash and over 10 times less likely to leave the scene of an accident where someone has been killed or fatally injured. AAA FOUNDATION FOR HIGHWAY SAFETY, *Unlicensed to Kill* 6 (Nov. 2011), <https://www.aaafoundation.org/sites/default/files/2011Unlicensed2Kill.pdf>.
34. David M. Van Sant, *Car Accident Fatality Rate Drops Sharply Over the Years*, AVVO (Jan. 3, 2013), <http://www.avvo.com/legal-guides/ugc/car-accident-fatality-rate-drops-sharply-over-the-years> (last visited Dec. 19, 2014).
35. *Compare 2012 Utah Crash Summary*, UTAH DEP’T OF PUB. SAFETY, 28 (2012), <http://www.publicsafety.utah.gov/highwaysafety/documents/2012UtahCrashSummary-3.pdf>, with *2012 Pennsylvania Crash Facts and Statistics*, PA. DEP’T OF TRANSP. 11 (2012), <http://www.dot.state.pa.us/Internet/Bureaus/pdBHSTE.nsf/InfoFb12?OpenForm>.
36. The law was amended in 2005 to authorize the issuance of “driving privilege cards” to undocumented immigrants rather than driver’s licenses. *Comparison of States with Similar Driver’s License Statutes*, NAT’L IMMIGRATION LAW CTR., 1, [www.nilc.org/document.html?id=1007](http://www.nilc.org/document.html?id=1007).
37. See *2012 Utah Crash Summary*, *supra* note 35, at 28.
38. Rankings were calculated based on the information in the Insurance Institute’s report. See *General Statistics*, INS. INST. FOR HIGHWAY SAFETY, <http://www.iihs.org/iihs/topics/t/general-statistics/fatalityfacts/state-by-state-overview> (last visited Apr. 22, 2015) (listing 2012 fatality rates for the nation and all states).
39. Based on the given time period, the national average fatality rate has decreased as follows: 22.9% (2003-2012); 26.5% (1997-2012); 30.5% (1999-2012); and 36.6% (1993-2012). *Id.*; *2012 Pennsylvania Crash Facts and Statistics*, *supra* note 35.
40. See *New Mexico Traffic Crash Annual Report 2011*, N.M. DEP’T OF TRANSP. 14 (2011), <http://www.unm.edu/~dgrint/reports/annual/ar2011.pdf> (providing a graph containing data for N.M.’s fatality rate from 2002 to 2011).

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42. See *General Statistics*, *supra* note 38.
43. See *id.*
44. See *2012 Pennsylvania Crash Facts and Statistics*, *supra* note 35, at 11.
45. *Id.*
46. *Id.*; *General Statistics*, *supra* note 38.
47. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948), available at <http://www.un.org/en/documents/udhr/> [hereinafter Universal Declaration].
48. *Id.* at Preamble.
49. See *Denial of Driver's Licenses to Undocumented Immigrants as a Barrier to Human Rights in the United States 2* (2012), [http://www.ushrnetwork.org/sites/ushrnetwork.org/files/7.\\_media\\_mobilizing\\_project\\_and\\_coalition.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/7._media_mobilizing_project_and_coalition.pdf) [hereinafter Univ. Pa. Report].
50. *Troubled by Crime, the Economy, Drugs and Corruption: Most Mexicans See Better Life in U.S. – One-in-Three Would Migrate*, PEW GLOBAL ATTITUDES PROJECT 1, 15-18 (Sept. 23, 2009), <http://www.pewglobal.org/files/pdf/266.pdf>.
51. *Id.* at 8-9.
52. See, e.g., *Fixing Our Broken Immigration System Through Executive Action – Key Facts*, U.S. OF HOMELAND SECURITY (last updated Jan. 5, 2015), <http://www.dhs.gov/immigration-action>.
53. Universal Declaration, *supra* note 47, at Art. 13(1).
54. Joseph Carens, *Migration and Morality: a Liberal Egalitarian Perspective*, FREE MOVEMENT: ETHICAL ISSUES IN THE TRANSNATIONAL MIGRATION OF PEOPLE AND OF MONEY 25 (Brian Barry et al. eds., Pa. State Univ. Press 1992) (discussing the liberal egalitarian perspective on freedom of movement).
55. *Id.* at 26.
56. See Univ. Pa. Report, *supra* note 49, at 2 (observing that undocumented residents must either “sacrifice freedom of movement” or drive without licenses).
57. Although this report addresses access to education in the context of freedom of mobility, the Universal Declaration treats it as an independent right. See Universal Declaration, *supra* note 47, at Art. 26 (“Everyone has the right to education.”).
58. This right is embodied by Article 12 of the Universal Declaration, *supra* note 47, which reads as follows: “No one shall be subjected to arbitrary interference with his . . . family . . . .” Furthermore, the preamble to the U.N. Convention on the Rights of the Child states that “the family, as a fundamental group of society and the natural environment for the growth and well-being of its members and particularly children, should be afforded the necessary protection and assistance so it can fully assume its responsibilities within the community.” G.A. Res. 44/25, 44 U.N. GAOR Supp. No. 49, U.N. Doc. A/44/736 (1989), available at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.
59. See Univ. Pa. Report, *supra* note 49, at 2 (stating that interactions between police and undocumented residents increases the risk of serious immigration consequences resulting from routine traffic stops when driver’s license bans are in effect).
60. See Emma Jacobs, *Traffic Stops Become Immigration Stops in Delaware Valley*, NEWSWORKS (May 16, 2013), <http://www.newsworks.org/index.php/local/pa-suburbs/61347->



- traffic-stops-become-immigration-stops-in-delaware-valley (describing police-ICE collaboration at traffic checkpoints in Norristown and Bensalem); Paul Vitello, *Path to Deportation Can Start with a Traffic Stop*, N.Y. TIMES (April 14, 2006), [http://www.nytimes.com/2006/04/14/nyregion/14jails.html?pagewanted=print&\\_r=0](http://www.nytimes.com/2006/04/14/nyregion/14jails.html?pagewanted=print&_r=0) (discussing increasing collaboration between local law enforcement and ICE, including people referred to ICE after being picked up by local police for minor traffic violations).
61. Thompson & Cohen, *supra* note 1.
62. *See, e.g., Fixing Our Broken Immigration System, supra* note 52.
63. Ajay Cahudry et al., *Facing Our Future: Children in the Aftermath of Immigration Enforcement*, URBAN INSTITUTE ix (Feb. 2, 2010), [http://www.urban.org/UploadedPDF/412020\\_FacingOurFuture\\_final.pdf](http://www.urban.org/UploadedPDF/412020_FacingOurFuture_final.pdf) (noting behavioral changes where children reported being more afraid, anxious, withdrawn, angry, or aggressive).
64. Telephone Interview with Evelyn J. Rivera, Social Worker, Maria de los Santos Health Center (April 17, 2014) (on file with author).
65. Aarti Kohli et al., *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, WARREN INST. 5 (2011), [http://www.law.berkeley.edu/files/Secure\\_Communities\\_by\\_the\\_Numbers.pdf](http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf).
66. *See* Quilloin v. Walcott, 434 U.S. 246, 255 (1978) (quoting Smith v. Organization of Foster Families, 431 U.S. 816, 862-63 (1977) (Stewart, J., concurring)) (discussing the state’s right to break up a family without some showing of unfitness and the sole reason to do so was in the child’s best interest).
67. *See* Universal Declaration, *supra* note 47, at Art. 25-26.
68. *See, e.g., Human Right to Health Info Sheet No. 1*, NAT’L ECONOMIC AND SOCIAL RIGHTS INITIATIVE 1 (Jan. 2008), [http://www.nesri.org/sites/default/files/Right\\_to\\_Health.pdf](http://www.nesri.org/sites/default/files/Right_to_Health.pdf).
69. *See* Univ. Pa. Report, *supra* note 49, at 2 (“Government restrictions on driver’s licenses interfere with undocumented people and their families’ access to essential resources and services with potentially fatal consequences.”).
70. *See id.* (declaring that the “negative impacts” of denying driver’s licenses to undocumented residents “touch all aspects of people’s lives”).
71. *See* Jeffrey Passel & D’Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States*, PEW RESEARCH CTR. 14 (Apr. 14, 2009), <http://pewhispanic.org/files/reports/107.pdf>.
72. *Undocumented Immigrants’ State and Local Tax Contributions*, INST. ON TAX. AND ECON. POLICY 8 (July 2013), <http://www.itep.org/pdf/undocumentedtaxes.pdf>.
73. “Somos Un Pueblo Unido, a New Mexico statewide community-based organization, released a report in January 2011 entitled *Don’t Wreck What’s Working: Keep all Drivers in New Mexico Licensed*. The report revealed that undocumented residents contributed over \$17 million to the state through licensing and registration fees between 2003 and late 2010. Somos Un Pueblo Unido, *Don’t Wreck What’s Working: Keep All Drivers in New Mexico Licensed* 1 (Jan. 2011) (on file with the Sheller Center).”
74. *Driver’s Licenses for All: Economic and Safety Benefits*, ILLINOIS HIGHWAY SAFETY COALITION (Nov. 17, 2012), <http://www.nilc.org/document.html?id=1031>.
75. *Id.*
76. *Id.*
77. *Id.*
78. *Fees*, DRIVER & VEHICLE SERVICES, <http://www.dmv.state.pa.us/fees/index.shtml> (last visited Apr. 22, 2015).
79. Jeffrey S. Passel & D’Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010*, PEW RESEARCH CTR. 23 (Feb. 1, 2011), <http://www.pewhispanic.org/files/reports/133.pdf> [hereinafter *Unauthorized Immigrant Population*].
80. *Memorandum: Cost Analysis Based on Other States*, CONECT (May 5, 2013), <http://www.nilc.org/document.html?id=1000>.

81. *Id.* at 1 n. 1, 4-6.

82. Passel & Cohn, *supra* note 71, at 23.

83. Alice Parlapiano, *What Is President Obama's Immigration Plan?*, N.Y. TIMES (Nov. 20, 2014), <http://www.nytimes.com/interactive/2014/11/20/us/2014-11-20-immigration.html>.

84. *Undocumented Immigrants' State and Local Tax Contributions*, INST. ON TAX. AND ECON. POLICY 1 (July 2013), <http://www.itep.org/pdf/undocumentedtaxes.pdf>.

85. *Id.*

86. *Id.*

87. *Id.* at 8.

88. Passel & Cohn, *supra* note 71, at 24; *New Americans in Pennsylvania: The Political Power of Latinos, and Asians in the Keystone State*, IMMIGRATION POLICY CENTER. 2 (May 2013), [http://www.immigrationpolicy.org/sites/default/files/docs/new\\_americans\\_in\\_pennsylvania\\_2013\\_1.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/new_americans_in_pennsylvania_2013_1.pdf).

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90. *Id.* at 70-71.

91. Theodore, *supra* note 13, at 11.

92. *Driver's Licenses for All*, *supra* note 74.

93. Gregory A. Odegaard, *A Yes or No Answer: A Plea to End the Oversimplification of the Debate on Licensing Aliens*, 24 J.L. & POL. 435, 447 n. 82 (2008).

94. *Driver's Licenses for All*, *supra* note 74.

95. 63 Pa. Code §§ 63.1-63.2.

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