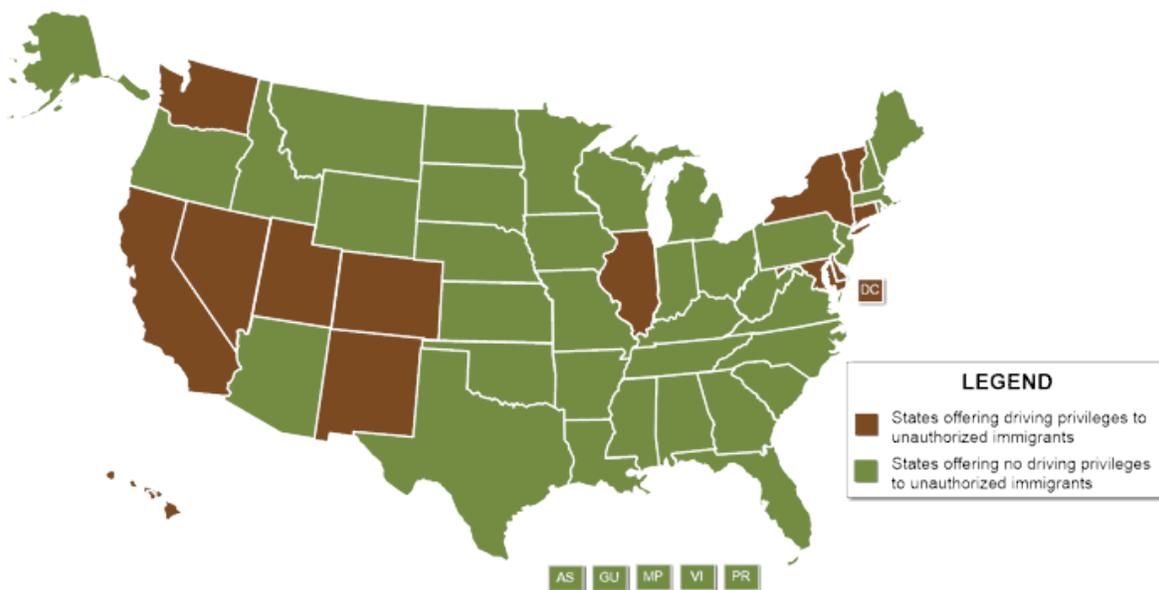




Driver's Licenses for Illegal Aliens: A Bad Policy That Undermines Our Immigration Laws

By Pawel Styrna | October 2019



Source: The National Council of State Legislatures

The Issue

Offering driver's licenses to individuals who are in the United States illegally is a misguided policy that undermines and flouts our immigration laws. The proponents of granting driving privileges to illegal aliens claim that it will increase [road safety](#), reduce hit-and-runs, [build trust](#) between police and foreign-born populations, and boost revenues. In reality, the policy rewards illegal migrants for breaking the law by enabling them to remain unlawfully present in the country. It may also facilitate identity, bank, and voter fraud, as well as the employment of illegal aliens.

Coupled with other pro-illegal-alien measures – such as sanctuary policies and in-state tuition for illegal aliens – offering driver’s licenses to unauthorized foreigners is part of a gradual, but steady, erosion of immigration enforcement by “normalizing” illegal foreign national populations and erasing any distinction between illegal and legal immigrants. However, according to an August 2019 [Harvard/Harris poll](#), 72 percent of Americans – including 58 percent of Democrats – oppose granting driver’s licenses to illegal aliens.

A Disturbing Trend

Currently, 13 states and the District of Columbia allow illegal immigrants to obtain a driver’s license. In 1993, Washington State became the first to offer them, and New York just approved a bill authorizing them in June. There have been several lawsuits filed challenging the Empire State’s new law in recent months. The [majority](#) of states moved to offer the new benefit between 2012 and 2015.

In the last year, there has been another major push on the state level to grant driving privileges to illegal aliens, including in Florida, Kansas, Minnesota, New Jersey, North Carolina, and Texas. In August, [Michigan](#) Governor Gretchen Whitmer (D) voiced support for reversing a ban on illegal migrants obtaining licenses. In early September, the Democrat-controlled [Massachusetts](#) state legislature’s Joint Committee on Transportation held a public hearing on two identical bills that would take a step toward giving illegal immigrants licenses by creating a separate category of licenses known as “Massachusetts licenses.” However, Republican Gov. Charlie Baker has vowed to veto any such bill.

In turn, on September 19, New York’s Republican Congressional delegation requested that the U.S. Department of Justice assess the constitutionality of the state’s “Green Light NY” law. Rep. Elise Stefanik (R) correctly pointed out that “this reckless legislation, which a majority of New Yorkers oppose, will hamper efforts to enforce federal immigration laws and has the potential to enable rampant voter fraud in our state.” The *Buffalo News* [reported](#) in early October that the Trump administration intends to intervene in a lawsuit filed by Erie County Clerk Michael Kearns opposing driver’s licenses for illegals.

Undermining Our Immigration Laws

The Constitution grants the federal government exclusive power to regulate immigration. And, pursuant to the Supremacy Clause of the 10th Amendment, states are prohibited from passing any legislation purporting to regulate immigration to the United States. The Constitution also reserves to the states any governmental powers not specifically given to the federal government. Accordingly, states are responsible for regulating local roadways and issuing driver’s licenses. Prior to 1993, when Washington state began granting driver’s licenses to illegal aliens, it was assumed that anyone who did not have authorization to be in the United States could not be granted the privilege of lawfully operating a motor vehicle on American roadways.

Currently, INA § 275 (8 U.S.C. § 1325) makes it a crime to enter and remain in the U.S. without inspection and a formal grant of admission by an Immigration Officer. By granting driver’s licenses or other forms of driving privileges to illegal aliens, state authorities are making it easier for illegal aliens to move around and function in the U.S. This is at odds with the objective of our immigration laws and obstructs the federal government’s legal prerogative to detect and remove unlawfully present foreigners to their homelands.

Arguments in Favor of Licenses for Illegals: Flawed and Beside the Point

The proponents of the misguided policy frequently dismiss such criticism by claiming that granting licenses to illegals improves road safety, primarily because the foreign nationals are required to pass a driving test before receiving driving privileges. They also [argue](#) that the policy is good for the economy (the implication being that it will help them get to work). However, the ability to successfully pass a driving test does not necessarily translate into safe driving. What is more, there are good reasons to doubt that individuals who violated our immigration laws to enter the U.S. will suddenly transform into law-abiding drivers if given state licenses. The argument that licensing illegal aliens will somehow strengthen the economy is also problematic. After all, illegal aliens cannot lawfully work in the U.S., so there is no legitimate reason to make it easier for them to commute to work. In addition, regardless of whatever profit may accrue to the local economy from illegal labor, it is far outweighed by the annual cost of illegal immigration to U.S. taxpayers – [\\$130 billion and quickly rising](#).

The advocates of licenses for illegals also assert that, even if denied driver's licenses, illegal aliens will continue driving regardless of the law. This, however, is a specious argument that – if taken to its logical conclusion and extended to other crimes – would be tantamount to a plea to dispense with all laws because, after all, some individuals will continue committing crimes in spite of them. That, in turn, is the very definition of *lawlessness*.

The Solution

Americans overwhelmingly oppose offering driver's licenses to illegal aliens – and rightly so. There is no reason for states to issue driver's licenses – i.e., state identification documents – to people who have no right to be present in the United States much less have the right to drive in it. As in the case of sanctuary jurisdictions, the federal government should prioritize funds away from states that actively circumvent our immigration laws. In particular, the federal government should seek restrictions on federal transportation funding for states that have laws giving licenses to illegal aliens. Another option that the U.S. government has is to no longer accept – for official purposes – IDs issued by non-compliant states until they reverse course and cease offering licenses to illegals. At the state level, American citizens must also put pressure on their elected representatives and make their voices heard on this issue. If the U.S. is to remain a nation of laws, it cannot tolerate the aiding and abetting of illegal immigration through such irresponsible policies as the granting of driver's licenses to illegal aliens.