

Restoring the Right to Drive:
Re-Licensing the Undocumented Community in
California

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Executive Summary

In October 2013, the California state legislature finally passed AB 60: the Safe and Responsible Driver Act, which will allow undocumented immigrants apply for driver's licenses in the state of California for the first time in twenty years. The passage of this bill, as well as a slew of other pro-immigrant legislation, signals a positive shift in the way immigrants are now perceived in our state.

Twenty years ago, then-Governor Pete Wilson signed Senate Bill 976, effectively barring undocumented immigrants from applying for driver's licenses and forcing them to risk their own livelihoods and those of others as they continued to drive on California roads, albeit unlicensed and uneducated on our state's driving laws. The historic passage of AB 60 reflects an uphill battle fought by immigrant rights groups and policymakers as they struggled to repeal the unfair restrictions placed by SB 976.

This study examines immigrant rights groups' support for navigating the implementation process of AB 60, as well as analyzing how the personal experiences of a small case study group of undocumented immigrants from a small church in South Los Angeles shapes their willingness or reluctance to apply for driver's licenses under the new law. I interpret my findings and make relevant policy recommendations for the DMV and immigrant rights groups as they move forward through the implementation process.

Keywords

Undocumented immigrants; illegal immigrants; driver's licenses in California; unlicensed drivers; AB 60; Cedillo; Alejo

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Finally, I would like to thank my mother for everything she has sacrificed to get me to where I am today, as well as for being the inspiration for this research project.

INTRODUCTION

On January 30, 2002, I had just finished another long day of school and was walking home with my mother and my little brother. We arrived home after walking the five blocks from the elementary school to our house, and being an energetic 9-year old, I was ready to play outside with all my siblings while my mother began dinner. I began thinking about all the things I would do for the remainder of the day, already knowing how the rest of my day would unfold. After playing outside I would wait for my father to come home from his job as a mechanic and help him put away all his tools, before we all sit down to eat together. After dinner, I would finish my homework and then watch *Malcolm in the Middle*, one of our favorite shows, with my dad. Maybe I would even read one of my books to him. My mother recently told him how my teacher had praised my reading comprehension skills. My father took great pride in this, as he had been requesting that I read to him every night. It was our usual routine. However, before my brother and I could escape outside that day, our mother sat us both down on the couch, a somber look on her face.

"I have some bad news," she announces abruptly. "Your dad was arrested today." I react first. "What did he do?" I ask, tears welling up in my eyes as I worry about my father's fate. "He was speeding and the police pulled him over. He didn't have his license," she explains as simply as she possibly can to help my 7-year old brother and I understand my father's predicament. Frightened and confused, I ask her when they will let him go. "I don't think they will," she responds sadly.

My father didn't come home that day. He ended up being deported back to Mexico shortly after he was arrested. I lived in fear over the next several years,

wondering whom else in my family the police would come after. I was afraid of leaving the house, worried that I would come home one day only to find out that someone else I loved had been taken away from me. I would alternate between feeling extreme sadness over the loss of my father over such a small offense and anger at him for driving without a license. How could he leave us like this? If he had just gotten his license this could have all been prevented. Of course, I wasn't informed until much later that my father had in fact been driving with an expired license that day. Then why did he not renew his license? Unfortunately, he was unable to obtain a valid license because of California's strict driver's licensing laws. Vehicle Code 12801.5, created under a California state law passed in 1993, requires any person applying for a driver's license to prove their lawful presence in the U.S. by submitting their Social Security number to the DMV.

Fast forward to September 2013: California Governor Jerry Brown has signed Assembly Bill 60: the Safe and Responsible Driver Act into law, legislation that will allow undocumented immigrants apply for specially marked driver's licenses in the state of California. The passage of this bill, winning widespread support from the assembly, is a result of the decades-long push from both immigrant rights groups and politicians to restore the right to drive and remedy the negative side effects of not having a license, such as car impounds and hefty fees, for millions in the state. This research will examine various immigrant rights groups' support for navigating the implementation process of AB 60. This research also examines how AB 60 will affect undocumented immigrants and seeks to help inform the implementation of AB 60 by analyzing the experiences of a small group of immigrants in a church in

South Los Angeles to see how personal experiences shape one's reluctance or willingness to apply for a driver's license under the new law

For the purpose of this paper, I will use AB 60's definition of an undocumented immigrant, whom is defined as a person who is unable to prove that their presence in the United States is authorized under federal law and is ineligible for a Social Security number. Citizenship is defined as the status of a person in the United States that confers certain rights, duties, and privileges.¹ According to sociologist Evelyn Nakano Glenn, one important facet of citizenship is the fact that "equality among citizens rested on the inequality of others living within the boundaries of the community who were defined as non-citizens"² As a society, we determine what rights and privileges to deny non-citizens and thus construct our roles as citizens in relation to this population. In researching restrictive immigration policies and opposition to driver's license legislation, themes of demonization and dehumanization emerged in justifying the denial of certain services to undocumented immigrants. This characteristic of citizenship is important to keep in mind when considering the treatment of non-citizens in the United States, especially undocumented immigrants.

In the following sections, a more extensive review of both state and federal immigration-related legislation of the past 20 years will be examined in order to understand the path that led to the passing of AB 60. An analysis of the collaborative efforts between immigrant rights groups and policymakers will also be presented.

¹ Citizenship. (n.d.). *Merriam-Webster*. Retrieved March 14, 2014, from <http://www.merriam-webster.com/dictionary/citizenship>

² Glenn, E. (2000). *Citizenship And Inequality: Historical And Global Perspectives*. *Social Problems*, 47(1), 1-20.

This study presents a methodology and data collection efforts in answering the research question, followed by background research on the immigrant rights groups interviewed for this paper. The findings section will examine the data collected over a three-month period and this paper will conclude with relevant policy recommendations as the DMV plans its final regulations for driver's licenses.

Background on Policy

Recent federal and state immigration legislation has been characterized by enforcement-heavy measures, further harming an already vulnerable population. Federal programs such as Section 287(g) and Secure Communities facilitate cooperation between local law enforcement and federal immigration authorities, giving local authorities an unprecedented amount of power in enforcing the civil provisions of federal immigration law. While these programs were intended to ease deportations of non-criminal undocumented immigrants by focusing on those who have committed deportable offenses, the reality is that these programs have contributed to record-breaking deportations in recent years, with the largest increases involving immigrants “whose most serious offense was listed as a traffic violation.”³ The REAL ID Act (2005) complicates the passage of inclusive driver's legislation for undocumented immigrants, as it requires states that wish to have their driver's licenses recognized federally as a valid form of identification to comply with certain mandated standards, including requiring proof of legal residency or U.S. citizenship. On the state level, immigration policies have been

³ Thompson, G., & Cohen, S. (2014, April 7). More Deportations Follow Minor Crimes, Data Shows. *The New York Times* [New York City], pp. A1, A12-A13.

equally as restrictive throughout the years. Pieces of legislation such as Senate Bill 976, the bill responsible for restricting access to driver's licenses in California, and Proposition 187 (1994), which would have denied education and medical services to undocumented immigrants, had overwhelming support from politicians and voters alike mired in xenophobic attitudes, highlighting the difficulties in repealing SB 976 that lay ahead for immigrant rights groups and progressive policymakers.

Federal Immigration Policies

AB 60 and its passage must be situated in a long history of state and federal immigration legislation. Enforcement-heavy national immigration policies have emphasized deportation over legalization of undocumented immigrants, leading to record numbers of deportations in the past several years. In 1996, President Clinton enacted some of the strictest immigration laws in the United States by signing the Illegal Immigrant and Reform and Immigrant Responsibility Act (IIRIRA). Where previously deportation proceedings were triggered only for offenses that could lead to five or more years in jail, the IIRIRA not only made minor offenses deportable but was also applied retroactively to all individuals who had committed deportable offenses.⁴ The IIRIRA also added Section 287(g) to the Immigration and Nationality Act (INA), a program that allows the U.S. Attorney General to enter into agreements with state and local enforcement agencies and work with police officers to enforce immigration law matters. Section 287(g) allows the federal government to train a

⁴ Fragomen, Jr., A. T. (1997). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996: An Overview. *International Migration Review*, 31(2), 438-460. Retrieved October 16, 2013, from <http://www.jstor.org/stable/2547227>

select group of state and local officers to perform the functions of an immigration officer under the supervision of an ICE officer.⁵ By allowing local officials to enforce the civil provisions of immigration law, such as illegal presence in the U.S., Section 287 (g) gives local law enforcement a dangerous amount of power over immigrant communities. Several surveys have already shown that this increase in power has also increased racial profiling, with nearly one in ten Hispanic adults in the U.S. reporting that they have been asked about their immigration status by local authorities in the past year.⁶ California was one of several states that implemented the program by the end of 2005.⁷ The program is meant to prioritize the deportation of immigrants that have committed serious offenses.

In recent years the effectiveness of Section 287(g) has come under close scrutiny, with a recent study conducted by the United States Government Accountability Office revealing that internal mismanagement of the program has led to confusion over enforcement and has led to the deportation of thousands of non-criminal immigrants.⁸ The mismanagement of Section 287(g) provides a good reason for undocumented immigrants to be skeptical of the marked driver's licenses that will be provided under AB 60. Having a specific piece of documentation that

⁵ US. Government Accountability Office. Immigration Enforcement: Better Controls Needed over Program Authorizing State and Local Enforcement of Federal Immigration Laws. By Richard M. Stana. Government Accountability Office. January 2009.

⁶ Lacayo, A. E. (2010). *The Impact of Section 287(g) of the Immigration and Nationality Act on the Latino Community*. Retrieved from National Council of La Raza website:

http://www.nclr.org/images/uploads/publications/287g_issuebrief_pubstore.pdf

⁷ Rojas, L. B. (n.d.). A phase-out for 287(g) immigration enforcement partnerships. KPCC. Retrieved October 18, 2013, from <http://www.scpr.org/blogs/multiamerican/2012/12/27/11741/gradual-phase-out-287g-immigration-enforcement-pro/>

⁸ US. Government Accountability Office. Immigration Enforcement: Better Controls Needed over Program Authorizing State and Local Enforcement of Federal Immigration Laws. By Richard M. Stana. Government Accountability Office. January 2009.

essentially reveals one's status has the potential to lead to even higher rates of discrimination and profiling, and potentially even more deportations.

Why must driver's licenses for undocumented immigrants look different than those given to citizens? After it was revealed that the hijackers involved with the 9/11 terrorist attacks possessed driver's licenses from several states that were used to board the planes used in the attacks, Congress passed the REAL ID Act.⁹ The REAL ID Act, passed in 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief (HR 1268), requires all states to follow minimum requirements regarding the production and issuance of state-issued driver's licenses and ID cards established by the federal government. The REAL ID Act imposes specific driver's license standards, such as the kind of data that must be visible on the card and what type of documentation must be presented before receiving a card, which includes documentation of one's legal status and a Social Security number. The REAL ID Act prohibits federal agencies from "accepting for official uses driver's licenses and identity cards from states unless the Department of Homeland Security determines that the state meets the requirements."¹⁰ After REAL ID was passed, then-California Governor Schwarzenegger worked together with the DMV to ensure California driver's licenses and ID cards were on track for meeting REAL ID-imposed requirements. In 2009, the DMV submitted a grant proposal to the Department of Homeland Security (DHS), requesting funds for privacy and security enhancements so they could

⁹ Kean, T. H., Hamilton, L. H., Ben-Veniste, R., Kerrey, B., Fielding, F. F., Lehman, J. F., . . . Gorelick, J. S. (2004). *9-11 Commission Report*. Retrieved from The National Commission on Terrorist Attacks Upon the United States website: http://govinfo.library.unt.edu/911/report/911Report_Ch7.pdf

¹⁰ REAL ID Act-Title II H.R. 1268. (n.d.).Department of Homeland Security. Retrieved October 24, 2013, from <http://www.dhs.gov/xlibrary/assets/real-id-act-text.pdf>

purchase digital imaging systems.¹¹ While several states have passed laws and resolutions refusing to comply with REAL ID, California chose to instead differentiate between licenses given to undocumented immigrants and citizens/legal residents in order to meet REAL ID requirements.¹²

Similar to Section 287(g), the Obama Administration's program Secure Communities (S-Comm), introduced in 2008, encourages cooperation with local law enforcement when detaining immigrants. S-Comm functions through cooperation with state and local law enforcement; if an officer is suspicious of an individual's immigration status during an arrest, they can submit their information to ICE. ICE can then request an immigration hold, or detainer, on the individual, who is kept in jail until picked up by an ICE officer. While very similar to Section 287(g), S-Comm does not train local law enforcement in immigration matters, resulting in often illegal arrests and detentions. S-Comm was created with the intent to prevent family separation by primarily focusing on deporting immigrants who have committed serious felonies; however, critics of the program argue that S-Comm encourages racial profiling and creates fear of deportation for simply reporting crimes in immigrant communities.^{14,15,16} Furthermore, S-Comm has proven costly to cities that participate in the controversial program, costing \$65 million a year to taxpayers in

¹¹ Schwarzenegger, A., Bonner, D. E., & Valverde, G. (2010). *REAL ID Act: 2009 Report to the Legislature*. Retrieved from State of California Department of Motor Vehicles website: http://www.dmv.ca.gov/realid/leg_report_041210.pdf

¹² Bohm, A. (2012, March 27). Yes, the States Really Reject REAL ID. American Civil Liberties Union. Retrieved October 18, 2013, from <https://www.aclu.org/blog/technology-and-liberty/yes-states-really-reject-real-id>

¹⁴ Chacón, J.,M. (2012). The Transformation of Immigration Federalism. *The William and Mary Bill of Rights Journal*, 21(2), 577-618. Retrieved from <http://search.proquest.com/docview/1321666086?accountid=12935>

¹⁵ Secure Communities. (n.d.). Immigration Forum. Retrieved October 20, 2013, from <http://www.immigrationforum.org/images/>

¹⁶ Theodore, N. (n.d.). Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement. Policy Link. Retrieved October 23, 2013, from http://www.policylink.org/atf/cf/%7B97c6d565-bb43-406d-a6d5-eca3bbf35af0%7D/Insecure_Communities_Report_Final.pdf

California.¹⁷ Many of the immigrants held because of immigration detainers pose no threat to public safety, and keeping them detained only increases the financial burden placed on California taxpayers. According to a recent analysis of government deportation records conducted by the New York Times, deportations of immigrants whose most serious violation were listed as traffic offenses have increased at the highest rates than other deportations, completely contradicting the stated purpose of S-Comm.¹⁸ Under the enforcement of Section 287(g) and S-Comm, thousands of immigrants have been arrested for crimes as minor as driving without a license and put through deportation proceedings. AB 60 is an important piece of state legislation that can mitigate the negative effects of enforcement-heavy national immigration policies.

California-Specific Immigration Policies

The historic passage of AB 60 is made even more impressive when viewed against California's propensity for passing restrictive immigration legislation. The condition of state economies has been proven to be a key predictor of immigration policy in the United States.²¹ In economic downturns, states and voters are more likely to perceive immigrants as the cause of their financial woes and consequently approve anti-immigrant policies that end entitlements for undocumented

¹⁷ Greene, J. A. (2012, August 22). The Cost of Responding to Immigration Detainers in California. Justice Strategies. Retrieved October 21, 2013, from <http://www.justicestrategies.org/sites/default/files/publications/Justice%20Strategies%20LA%20CA%20Detainer%20Cost%20Report.pdf>

¹⁸ Thompson G. (2014). More Deportations Follow Minor Crimes, Data Shows. New York Times.

²¹ Monogan, III, J. E. (2013). The politics of immigrant policy in the 50 US states, 2005-2011. *Journal of Public Policy*,33(1), 35-64.

immigrants. Amidst economic strife, Proposition 187, the so-called Save Our State Initiative, was approved by 59% of California voters in 1994. Prop. 187 would have denied access to public education and all but emergency medical services to undocumented immigrants and their children. It would also force teachers, doctors, and government employees to report anybody whose immigration status was in question, essentially turning them into de facto immigration officers.²² Prop. 187 was introduced by Assemblyman Dick Mountjoy and was a culmination of several restrictive immigration bills he had previously proposed to the state legislature during the 1993-1994 legislative session, including separate bills that would have denied state funds for educating undocumented immigrants and would require health care providers to report undocumented immigrants to the Immigration and Naturalization Service.^{23,24} Governor Pete Wilson's strong endorsement of the draconian proposition led to his re-election that year. Prop. 187 remained in litigation before finally being declared unconstitutional in 1999. In addition to Prop. 187, Assemblyman Mountjoy was also responsible for introducing AB 2171 in 1993, a precursor to Senate Bill 976, a very important piece of legislation that restricted the rights of undocumented immigrants in California.²⁵

²² Hovey, J. D., Rojas, R. S., Kain, C., & Magana, C. (2000). Proposition 187 reexamined: Attitudes toward immigration among California voters. *Current Psychology*, 19(3), 159. Retrieved from <http://search.proquest.com/docview/200811902?accountid=12935>

²³ Eastin, D. (1993). *Bill Analysis: AB 149-Educational funding: undocumented immigrants*. Retrieved from Assembly Committee on Education website: http://www.leginfo.ca.gov/pub/93-94/bill/asm/ab_0101-0150/ab_149_cfa_930427_222340_asm_comm

²⁴ Margolin, B. (1993). *Bill Analysis: AB 150 - Should a health care provider be required to report an alien to the Immigration and Naturalization Service as a condition of receiving payment from Medi-Cal for services provided to that alien?* Retrieved from Assembly Committee on Health website: http://www.leginfo.ca.gov/pub/93-94/bill/asm/ab_0101-0150/ab_150_cfa_930420_161332_asm_comm

²⁵ Katz, R. (1993). *Bill Analysis: AB 2171 - Drivers' licenses: identification cards: citizenship or legal residence*. Retrieved from Assembly Committee on Transportation website: http://www.leginfo.ca.gov/pub/93-94/bill/asm/ab_2151-2200/ab_2171_cfa_930425_112024_asm_comm

Up until 1993, when Governor Wilson signed SB 976, undocumented persons were able to obtain driver's licenses as long as they provided adequate proof of residency. However, SB 976 established CA Vehicle Code 12801.5, which requires a person applying for a driver's license to provide their Social Security Number in order to establish lawful presence in the US.²⁶ SB 976 also requires the DMV to submit annual budgetary reports to the state legislature detailing the costs of verifying the immigration status of all driver's license applicants. Unfortunately, these reports were inaccessible online.²⁷ Additionally, the state legislature also passed SB 1758 in 1994, which allows law enforcement to impound the cars of unlicensed drivers for 30 days and require a hefty fine to reclaim the car. In the city of Los Angeles, it currently costs \$37 a day to have one's car stored in an impound lot. Not only do unlicensed drivers have to pay a \$150 fee to local governments to get their cars back, but they must also pay at least \$1,110 to towing companies to retrieve their cars after the mandatory 30-day impound period.^{28,29} The impound law nets huge profits for cities and bolsters many local economies, providing incentive for law enforcement to impound as many cars as possible. The city of El Monte, located in Los Angeles County, is estimated to receive at least \$241,600 a year from towing fees, while towing operators in the city collect up to \$1.2 million in

²⁶ VC Section 12801.5 Verification of Citizenship or Legal Status (n.d.). California Department of Motor Vehicles. Retrieved April 1, 2014 from https://www.dmv.ca.gov/pubs/vctop/d06/vc12801_5.htm

²⁷ California Agency Reports (n.d.). *Home* | agencyreports.ca.gov. Retrieved April 17, 2014, from <http://agencyreports.ca.gov/search?keywords=&agency=694&recipient=4611&authoritytype=&duedate=MM/DD/YYYY&search=Search>

²⁸ Gabrielson, R. (2010, February 13). *Car seizures at DUI checkpoints prove profitable for cities, raise legal questions* / *California Watch*. Retrieved April 12, 2014, from <http://californiawatch.org/public-safety/car-seizures-dui-checkpoints-prove-profitable-cities-raise-legal-questions>

²⁹ *Vehicle Impound Rates*. (n.d.). *Vehicle Impound Rates*. Retrieved April 7, 2014, from <http://www.hollywoodtow.com/Impoundrates.html>

car seizures.³⁰ Additionally, reports have shown that not only do car impounds for unlicensed driving far outpace DUI arrests made at sobriety checkpoints, but law enforcement agencies have set up most checkpoints in the past two years in primarily Hispanic neighborhoods, with “sixty-one percent of the checkpoints [taking] place in locations with at least 31 percent Hispanic population.”³¹ Financially, the effects of car impounds are catastrophic for undocumented immigrants but provide huge incentives for cities to set up checkpoints in areas they believe will net the highest number of unlicensed drivers, which undoubtedly has led to racial discrimination and police targeting of these vulnerable communities.

However, while immigrant rights groups may argue against the unfair use of car impoundments and the costs they incur, several studies have shown that California's controversial impound law does decrease the number of unlicensed and suspended/revoked drivers involved in crashes, suggesting that these drivers either stop driving altogether, or perhaps more likely, drive more carefully.^{32,33} Even so, the LAPD has recently issued Special Order 7, a policy that “limits car confiscations for unlicensed driving violations to circumstances in which they are lawful and warranted” in order to alleviate some of the fear felt by the immigrant community over being targeted solely because of their immigration status.³⁴

³⁰ Gabrielson, R. (2010) *Car seizures at DUI checkpoints*

³¹ *Ibid.*

³² DeYoung, D. (1999). An Evaluation Of The Specific Deterrent Effects Of Vehicle Impoundment On Suspended, Revoked, And Unlicensed Drivers In California. *Accident Analysis & Prevention*, 31(1-2), 45-53.

³³ Brar, S. S. (2012). State of California Department of Motor Vehicles. Estimation of Fatal Crash Rates For Suspended/Revoked and Unlicensed Drivers in California.

³⁴ Immigrant Rights. (n.d.). ACLU of Southern California. Retrieved October 24, 2013, from <http://www.aclusocal.org/issues/immigrant-rights/>

With very few options, SB 976 has forced millions of undocumented immigrants to continue to drive despite the threat of possible car impoundments or worse should they be stopped by a police officer. Furthermore, undocumented immigrants have no way of having their driving knowledge and abilities tested and approved, endangering themselves and the millions of other drivers in California.³⁵

Benefits of Licensing Undocumented Immigrants

Proponents of accessible driver's license legislation argue that allowing everyone to apply for a driver's license is a matter of public safety. Studies have shown that not only are unlicensed drivers three times as likely as licensed drivers to be involved in fatal crashes, an estimated 15% of unlicensed drivers flee the site of fatal crashes, and unlicensed drivers are ten times more likely than licensed drivers to flee crashes.^{36,37} Allowing more people to apply for driver's licenses can reduce the number of hit-and-run crashes by eliminating a potential reason for leaving the scene and can also potentially reduce the amount of crashes altogether, since more people will be able to learn the rules of the road.^{38,39} Furthermore, proponents of accessible driver's license legislation argue that insurance costs for everyone will be reduced since the amount of uninsured motorists on the road will be decreased.⁴⁰ Although driver's licenses for undocumented immigrants cannot be

³⁵ AAA Foundation for Traffic Safety. (2011). Unlicensed to Kill. Washington, D.C: AAA Foundation for Traffic Safety. Retrieved October 21, 2013, from <https://www.aaafoundation.org/sites/default/files/2011Unlicensed2Kill.pdf>

³⁶ Brar, S. S. (2012). State of California Department of Motor Vehicles. Estimation of Fatal Crash Rates For Suspended/Revoked and Unlicensed Drivers in California.

³⁷ AAA Foundation for Traffic Safety. (2011). Unlicensed to Kill. Washington, D.C: AAA Foundation for Traffic Safety. Retrieved October 21, 2013, from <https://www.aaafoundation.org/sites/default/files/2011Unlicensed2Kill.pdf>

³⁸ Ibid.

³⁹ Poston, B. (2013, January 16). DMV report adds to license debate. Los Angeles Times. Retrieved October 24, 2013, from <http://articles.latimes.com/2013/jan/16/local/la-me-unlicensed-20130116>

⁴⁰ Hiltzik, M. (2013, October 4). California grows up about immigrant driver's licenses. Los Angeles Times.

used for federal purposes, they can still be a crucial form of identification for the undocumented.⁴¹ Most undocumented people have no form of identification, living in a “legal limbo, without registry in a registered world”.⁴² Driver's licenses can be the first step in opening up different opportunities for undocumented immigrants and can be an important piece of documentation of their presence in the United States should they ever need to adjust their immigration status.

“One-Bill Gil” and Immigrant Rights Groups Struggle Towards Restoring the Right to Drive

Efforts to repeal the stringent requirements set by VC 12801.5 have been forthcoming for years, with former State Assemblyman and State Senator Gilbert Cedillo leading initial efforts to reinstate driver's licenses for all.⁴³ Referred to as “One-Bill Gil” by his opponents, Gil Cedillo is an important figure in the fight for driver’s licenses; since his election to the California State Legislature in 1998, he has tried to pass bills that would allow undocumented immigrants to obtain driver’s licenses on at least eight separate occasions.⁴⁴ During his 1998 primary campaign in Assembly District 46, situated in downtown Los Angeles and home to a large group of immigrants, Cedillo identified the need for access to driver’s licenses that was

Retrieved October 18, 2013, from <http://articles.latimes.com/2013/oct/04/business/la-fi-mh-licenses-20131004>

⁴¹ Lagunes, P. F., Levin, B. M., & Dittmann, R. K. (2012). Documenting the Undocumented: A Review of the United States' First Municipal ID Program. *Harvard Journal of Hispanic Policy*, 24, 43-83.

⁴² Castañeda, J. G. (2007). *Ex Mex: from migrants to immigrants*. New York: New Press .:

⁴³ Jones, G. (2003, Nov 22). Schwarzenegger and SB 60 author Sen. Gil Cedillo talk about letting Democrats save face if they repeal law giving permits to illegal immigrants. *Los Angeles Times*. Retrieved from <http://search.proquest.com/docview/421819270?accountid=12935>

⁴⁴ 06, S. (2012, September 6). Lawmaker fulfills pledge to late wife with legislative victory. *Los Angeles Times*. Retrieved April 12, 2014, from <http://articles.latimes.com/2012/sep/06/local/la-me-cap-cedillo-20120906-41>

plaguing the community.⁴⁵ Once he arrived at the state legislature, Cedillo collaborated with several immigrant rights groups and set to work on repealing the state's restrictive driver's license requirements. Cedillo worked in tandem with the Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA), a community organization dedicated to championing immigrant rights, in crafting his initial bill. CHIRLA provided crucial information regarding the population the driver's license bill would affect, allowing Cedillo to tailor the bill's language to best fit the community's needs.⁴⁶ In 1999, Cedillo introduced AB 1463, which would have allowed immigrants unable to acquire a Social Security Number to sign an affidavit saying so and obtain unmarked driver's licenses. The bill was vetoed by then-Governor Gray Davis in 2000. In his veto message, Davis expresses concerns over identity fraud and notes that other southern border states require Social Security numbers for driver's licenses as well. He also says that,

While I applaud the public safety concerns this bill seeks to address, it ignores the fact that California has made substantial efforts to make the driver's license a more secure form of identification. There is no question that a driver's license is often the key document used to acquire other documentation and to qualify for various services.⁴⁷

Driver's licenses are used as a primary source of identification that can be used to gain access to other services enjoyed by U.S. citizens, such as food stamps,

⁴⁵ Varsanyi, M., & Seif, H. (2010). "Tired of Illegals": Immigrant Driver's Licenses, Constituent Letters, and Shifting Restrictionist Discourse in California. In *Taking local control: Immigration policy activism in U.S. cities and states*. Stanford, California: Stanford University Press.

⁴⁶ Bernabe, Antonio. 2014. Interview. Los Angeles, CA. 21 February.

⁴⁷ Davis, Gray. (2000, September 29). *AB 1463 Veto Message*. LegInfo.Ca.Gov. Retrieved April 8, 2014 from the World Wide Web: http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_1451-1500/ab_1463_vt_20000929.html

opening bank accounts, and domestic travel.⁴⁸ Due to the prevalence of cars and lack of a national identification card, driver's licenses have generally been accepted as standard forms of identification within the country. This is further corroborated by Congress' passage of REAL ID, which seeks to standardize driver's licenses within states without actually enacting a national identification card. In 2000, Cedillo introduced AB 60, another driver's license bill similar to AB 1463, which was vetoed by Davis in 2002. In vetoing the bill, Davis states,

Furthermore, the tragedy of September 11, made it abundantly clear that the driver's license is more than just a license to drive; it is one of the primary documents we use to identify ourselves. Unfortunately, a driver's license was in the hands of terrorists who attacked America on that fateful day.⁴⁹

The tide finally seemed to have turned in 2003, when Davis signed SB 60 while fighting a recall election in an effort to appeal to Latino voters.⁵⁰ However, this strategy backfired and he ended up alienating an even larger voting bloc. As a result, Governor Schwarzenegger won the election and quickly repealed the legislation.⁵¹ Schwarzenegger promised to work with Cedillo and his allies and compromise on a driver's license bill that would satisfy both sides, and so Cedillo agreed to repeal his own bill. CHIRLA members were unhappy with the news and believed this move to be a mistake. Determined to get SB 60 passed, CHIRLA wanted to go through a referendum and mobilize the Latino vote; however, Cedillo did not give them a

⁴⁸ Schwarzenegger, A., Bonner, D. E., & Valverde, G. (2010). *REAL ID Act: 2009 Report to the Legislature*. Retrieved from State of California Department of Motor Vehicles website: http://www.dmv.ca.gov/realid/leg_report_041210.pdf

⁴⁹ Davis, Gray. (2002, September 30). *AB 60 Veto Message*. LegInfo.Ca.Gov. Retrieved April 8, 2014 from the World Wide Web: http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0051-0100/ab_60_vt_20020930.html

⁵⁰ Nicholas, P., & Mena, J. (2003, September 6). Bill Allowing Illegal Immigrants to Get Driver's Licenses Is Signed. Los Angeles Times. Retrieved October 26, 2013, from <http://articles.latimes.com/2003/sep/06/local/me-license06>

⁵¹ Hiltzik, M. (2013, October 4). California grows up about immigrant driver's licenses. Los Angeles Times. Retrieved October 18, 2013, from <http://articles.latimes.com/2013/oct/04/business/la-fi-mh-licenses> 20131004

chance to fight for the bill.⁵² Cedillo introduced SB 1160 in February 2004 and SB 60 in January 2005, both designed as compromises with Schwarzenegger. These bills would have incorporated strict requirements for undocumented immigrants wishing to obtain driver's licenses, including mandatory criminal background checks, and would issue specially marked licenses to this population in order to comply with the REAL ID Act, despite CHIRLA's repeated objections towards differently marked driver's licenses.^{53, 54} Meanwhile, Cedillo's reputation as "One-Bill Gil" was growing; CHIRLA tried reaching out to other senators in an attempt to get this important legislation passed but were rebuffed and told that driver's license legislation was Cedillo's domain.

At this point other immigrant rights groups had entered the fray, such as the California Immigrant Policy Center (CIPC), an immigrant advocacy group that was part of a larger statewide advocacy coalition. Whereas CHIRLA was able to bring Cedillo and other politicians testimony of the undocumented immigrants that would be affected by driver's license legislation, CIPC was able to focus on the legislative perspective and work on the bill's actual wording.⁵⁵ Despite Cedillo's best attempts at compromising on the bill, Schwarzenegger continuously reneged on his promise to work with Cedillo and his allies. In rejecting AB 2895, a bill introduced by Assemblyman Nuñez that would allow undocumented immigrants apply for a

⁵² Bernabe, Antonio. 2014. Interview. Los Angeles, CA. 21 February.

⁵³ Varsanyi, M., & Seif, H. (2010). "Tired of Illegals": Immigrant Driver's Licenses, Constituent Letters, and Shifting Restrictionist Discourse in California. In *Taking local control: Immigration policy activism in U.S. cities and states*. Stanford, California: Stanford University Press.

⁵⁴ Bernabe, Antonio. 2014. Interview. Los Angeles, CA. 21 February.

⁵⁵ Shamasunder, Reshma. 2014. Interview. Los Angeles, CA. 20 February.

driver's license in part by allowing them to sign an affidavit stating they were ineligible for a Social Security number, Schwarzenegger explains,

One of the most important duties of a state is to protect its citizens. Determining the true identity and history of an individual is a key component of that protection. This bill does not adequately address the security concerns that my Department of Homeland Security and I have and I cannot support it.⁵⁶

Schwarzenegger cites security concerns as the main reason for rejecting the bill, which he brings up every time he vetoes subsequent versions of the bill. In his 2008 veto of SB 60, he states,

Given the potential impact of the REAL ID Act on the public safety and homeland security of Californians, members of my Administration continue to work closely with the federal government on these issues. Until the REAL ID Act is implemented and the federal government adopts comprehensive immigration reform, it is inappropriate to move forward with state law in this area.⁵⁷

The reasoning given for denying driver's licenses to undocumented immigrants stems from national security issues, made more prominent after the 9/11 terrorist attacks. Schwarzenegger also brings up potential conflicts with the implementation of the REAL ID Act, not wanting to waste taxpayer money on licenses that run the risk of being non-compliant with REAL ID. Most tellingly, he claims he does not want to overstep his bounds by passing state laws that infringe on the federal government's enforcement of immigration matters. Schwarzenegger's refusal to infringe on the federal government's responsibility in immigration matters varies vastly from current Governor Jerry Brown, who when signing a slew

⁵⁶ Schwarzenegger, Arnold. (2004, September 22). *AB 2895 Veto Message*. LegInfo.Ca.Gov. Retrieved April 8, 2014 from the World Wide Web: http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2851-2900/ab_2895_vt_20040922.html

⁵⁷ Schwarzenegger, Arnold. (2008, September 30). *SB 60 Veto Message*. LegInfo.Ca.Gov. Retrieved April 8, 2014 from the World Wide Web: http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0051-0100/sb_60_vt_20080930.html

of pro-immigration legislation in 2013 was quoted as saying, “While Washington waffles on immigration, California’s moving ahead. I’m not waiting.”⁵⁸

Despite the multiple failures, Cedillo experienced his share of legislative victories. In 2011, he managed to pass AB 353, which allows an unlicensed person stopped at a DUI checkpoint to call for a licensed driver to retrieve their cars if their only offense is driving without a license. This legislation addresses the previously mentioned financial distress caused by impounds in DUI checkpoints. Cedillo also managed to pass an iteration of his driver’s license bill. AB 2189 (2012) allows those who qualify for the federal Deferred Action for Childhood Arrivals (DACA) program to obtain an unmarked driver’s license.

The Road to Passing AB 60: Twenty years in the Making

Assemblyman Alejo’s Assembly Bill 60: the Safe and Responsible Driver Act was first introduced in January 2013. Alejo worked together with CHIRLA and CIPC, as well as other immigrant rights groups in the state. Groups like Asian Americans Advancing Justice (AAAJ) and CIPC worked with Alejo through the legislative perspective, influencing the type of language that would be included in the final bill.⁵⁹ More community-based groups, like CHIRLA, caught wind of the potential passage of AB 60 and reached out to Alejo, offering to mobilize their members to call their state representatives to pressure them into passing the bill. However, Alejo declined these offers, not wanting to make a lot of noise surrounding and choosing

⁵⁸ Bates, K. G. (2013, October 7). *Undocumented Immigrants In Calif. Will Benefit From New Laws: Code Switch* : NPR. Retrieved from <http://www.npr.org/blogs/codeswitch/2013/10/07/230183623/undocumented-immigrants-in-calif-will-benefit-from-new-laws>

⁵⁹ Ng, Anthony. 2014. Interview. Los Angeles, CA. 24 February.

instead to try to negotiate with his fellow legislators privately.⁶⁰ This quiet and more restrained strategy paid off for Alejo, immigrant rights groups, and the millions of undocumented immigrants living in California. In a last-minute legislative session during October 2013, AB 60 was passed through both houses and signed into law by Governor Brown.⁶¹ After a twenty year long process, policymakers have finally recognized that restricting access to driver's licenses does not improve national security but rather proves a threat to public safety. AB 60, which will go into effect on January 1, 2015, will loosen requirements for driver's licenses and will allow undocumented persons to apply for specially marked driver's licenses. An estimated 1.4 million people are expected to apply for licenses under the new law.⁶² This new marking will denote one's immigration status and will differentiate the driver's licenses for undocumented immigrants from other licenses, which has the potential to scare of would-be applicants for fear of discrimination.

Governor Brown also signed another important piece of pro-immigrant rights legislation that complements AB 60. AB 4, the California TRUST Act, essentially prohibits law enforcement from participating in S-Comm and working with ICE to detain people with immigration holds. While it will only protect individuals who haven't committed or are being charged with serious offenses, it may assuage fears of discrimination based on the type of license a person carries by providing an extra layer of protection from law enforcement.

⁶⁰ Bernabe, Antonio. 2014. Interview. Los Angeles, CA. 21 February.

⁶¹ Hiltzik. (2013). California grows up about immigrant driver's licenses.

⁶² The right plan to get D.C. driver's licenses to illegal immigrants. (2013, October 13). Washington Post. Retrieved October 20, 2013, from http://www.washingtonpost.com/opinions/the-right-plan-to-get-dc-drivers-licenses-to-illegal-immigrants/2013/10/13/a1b06556-2f97-11e3-bbed-a8a60c601153_story.html

Summary of Driver's License Legislation Introduced by Cedillo and Others

Bill	Author & Year Introduced	Summary	Status
AB 1463	Cedillo (1999)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license. Applicants who cannot provide a SSN would submit an affidavit stating they do not possess a SSN and would submit a taxpayer ID number or other identifier deemed appropriate by DMV.	Vetoed
AB 60	Cedillo (2000)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license. Applicants who cannot provide a SSN would submit an affidavit stating they do not possess a SSN and would submit a taxpayer ID number or other identifier deemed appropriate by DMV.	Vetoed
SB 804	Polanco (2002)	Companion measure to AB 60. Would require applicants to submit proof that applicants have been working for at least 15 months the prior 3 years. Would require DMV to fingerprint lawful immigrant applicants to determine whether applicant has specified arrests, warrants, or convictions.	Vetoed
SB 60	Cedillo (2003)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license. Applicants who cannot provide a SSN would submit an affidavit stating they do not possess a SSN and would submit a taxpayer ID number or other identifier deemed appropriate by DMV.	Repealed
SB 1160	Cedillo (2004)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license. Applicants who cannot provide a SSN would submit an affidavit stating they do not possess a SSN and would submit a taxpayer ID number or other identifier deemed appropriate by DMV. Applicants who obtain DL through affidavits would not be included in lists containing	Stalled

		identifying information of all persons over 18 in possession of DLs to jury commissioners of each county.	
AB 2895	Nuñez (2004)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license. Applicants who cannot provide a SSN would submit an affidavit stating they do not possess a SSN and would submit a taxpayer ID number or other identifier deemed appropriate by DMV. Applicants who obtain DL through affidavits would not be included in lists containing identifying information of all persons over 18 in possession of DLs to jury commissioners of each county.	Vetoed
SB 60	Cedillo (2005)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license once DMV confirmed they are in compliance with the implementation of the REAL ID Act.	Vetoed
SB 675	Cedillo (2005)	Would require police officers that impound an unlicensed person's car to provide safe transportation to an operating point of public transportation, place of residence of the driver, or a safe place that has access to the use of a telephone, unless the person waives that transportation.	Vetoed
SB 591	Cedillo (2005)	Would require a city or county to exempt a person from the 30-day car impound period if the offense involved a person who is unable to obtain a DL because of the requirement to establish their legal presence in the U.S.	Stalled
SB 1160	Cedillo (2006)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license once DMV confirmed they are in compliance with the implementation of the REAL ID Act.	Stalled
SB 1162	Cedillo (2006)	Would repeal DMV requirement for Social Security Numbers in order to obtain a	Vetoed

		driver's license once DMV confirmed they are in compliance with the implementation of the REAL ID Act.	
SB 60	Cedillo (2007)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license once DMV confirmed they are in compliance with the implementation of the REAL ID Act.	Vetoed
SB 60	Cedillo (2009)	Would repeal DMV requirement for Social Security Numbers in order to obtain a driver's license once DMV confirmed they are in compliance with the implementation of the REAL ID Act.	Stalled
AB 353	Cedillo (2011)	Would allow an unlicensed person stopped at a DUI checkpoint to call for a licensed driver to retrieve their car if the driver's only offense is failure to hold a valid driver's license.	Passed
AB 2189	Cedillo (2012)	Would allow a person who qualifies for DACA to obtain a driver's license.	Passed
AB 60	Alejo (2013)	Repeals DMV requirement for Social Security Numbers in order to obtain a driver's license if applicant signs affidavit stating they do not qualify for a SSN and submit other documents establishing proof of their identity and residency in CA. In compliance with REAL ID, will differentiate these DL from those given to drivers with valid SSN.	Passed

Restricting Access to Driver's Licenses: An Issue of National Security?

Why did it take over twenty years for the harsh restrictions placed by SB 976 to be repealed? As shown by the several veto messages from both Davis and Schwarzenegger, concerns over national security were the primary reasons both men gave for rejecting Cedillo's bills every time. Once the REAL ID Act was passed in 2005, Schwarzenegger seized this opportunity as yet another excuse not to pass inclusive driver's license legislation. The governor's actions were supported, and most likely influenced, by the anti-immigrant fervor gripping the state during this time. Studies have shown that the mass media can be an influential voice in the immigration debate.⁶⁸ In fact, the mass media can encourage xenophobic, anti-immigrant rhetoric by giving hate groups operating under the guise of immigration reform groups, such as the Federation for American Immigration Reform (FAIR), a platform from which to spout their racialized attacks on immigrants.⁶⁹

Even as the need for driver's licenses continued to be documented in these underserved, immigrant communities, these voices were drowned out by even louder and angrier citizens expressing their outrage over the possibility of re-licensing the undocumented. A study analyzing constituent correspondence to then-State Senator Cedillo in 2004 and 2005 over the proposed SB 60 and SB 1160 shows some of the reasoning behind the strong resistance to inclusive driver's license legislation. While government justifications for denying driver's licenses to undocumented immigrants revolve around issues of national security and

⁶⁸ Chavez, L. R. (2001). *Covering Immigration: Popular Images and the Politics of the Nation*. Berkeley, CA: University of California Press.

⁶⁹ Southern Poverty Law Center (n.d.). *Active Anti-Immigrant Groups*. Retrieved April 17, 2014, from http://www.splcenter.org/get-informed/intelligence-files/ideology/anti-immigrant/active_hate_groups

terrorism, most of the letters do not reflect this stance.⁷⁰ The majority of letter writers in this study had been influenced by the racist rhetoric prevalent amongst anti-immigrant crusaders. The most prominent arguments given for rejecting Cedillo's legislation were that driver's licenses rewarded criminal behavior and would encourage further illegal immigration. Others argued that undocumented immigrants burdened taxpayers and public infrastructure and that their presence hurts U.S. citizens economically. Others expressed fears of voter fraud, environmental hazards that would supposedly arise with the influx of new drivers, and fears that language barriers will lead to unsafe roads and drivers. Another fear was that undocumented immigrants will not purchase insurance and as a result, premiums for all other drivers will increase.

Indeed, studies have shown that states with looser requirements for driver's licenses also have higher rates of uninsured motorists, with states such as New Mexico, Washington, and Hawaii having both the most relaxed driver's license policies and some of the highest percentage of uninsured motorists.⁷¹ This study finds a significant and positive correlation between undocumented immigrants in states that do not require lawful presence and percentage of uninsured motorists and goes on to argue that states that don't require lawful presence to apply for driver's licenses should enact stricter requirements in order to address the lack of insurance amongst motorists. However, the research fails to uncover exactly why

⁷⁰ Varsanyi, M., & Seif, H. (2010). "Tired of Illegals": Immigrant Driver's Licenses, Constituent Letters, and Shifting Restrictionist Discourse in California. In *Taking local control: Immigration policy activism in U.S. cities and states*. Stanford, California: Stanford University Press.

⁷¹ Query, J. T., & Kumazawa, R., PhD. (2011). Examining the impact of issuing driver's licenses to undocumented immigrants and other socioeconomic factors on the percentage of uninsured motorists. *Journal of Insurance Regulation*, 30(1), 261-285. Retrieved from <http://search.proquest.com/docview/916315934?accountid=12935>

there is a significant correlation between the multiple variables. It is possible that insurance laws in these states are not heavily enforced, or that undocumented immigrants are not aware of insurance laws in their states because they lack the knowledge or the resources to seek out this information. Furthermore, this study only compared the percentage of uninsured drivers by state, and did not look at rates of uninsured drivers in states that have passed inclusive driver's license legislation pre- and post-implementation of these new laws. In fact, in New Mexico the rates of uninsured drivers on the road were cut by a third as soon as one year after implementation of the new law.⁷²

Challenges Involving Driver's Licenses and Driving Privilege Cards in Other States

AB 60 will create a separate driver's license for undocumented immigrants that will have a "DP" for "Driving Privilege" on the front of the card, as opposed to "DL" for "Driving License". The distinctions will help California comply with the REAL ID Act, although many states have passed laws rejecting the act. Many immigrant rights advocates have argued that including special identifiers on the driver's licenses will create a two-tiered system that can lead to widespread discrimination.^{84,85} Driving privilege cards and driver's licenses have been available in Utah and New Mexico for several years and provide evidence of the issues that can plague both types of licensure systems. Beginning in 2005, Utah began issuing

⁷² Cedillo, G. (2004). A Social, Public Safety, and Security Argument for Licensing Undocumented Drivers. *Center for Latin American Studies*, (2), 1-25. Retrieved from <http://escholarship.org/uc/item/1k61r3xj#page-1>

⁸⁴ Ingram, C. (2002, April 9). Driver's License Plan for Illegal Workers Criticized. *Los Angeles Times*. Retrieved October 21, 2013, from <http://articles.latimes.com/2002/apr/09/local/me-license9>

⁸⁵ Nguyen, T. (2007, March 1). REAL IDs for Immigrants; Fake Security for All: Can Driver's Licenses and Consular IDs Hold the Line for Immigrant Rights?. *Colorlines Magazine*, 10, 2.

driving privilege cards to undocumented immigrants that come with many stipulations: an individual must be a resident of Utah unable to establish lawful presence, the card cannot be used as identification for state or federal purposes, and it must be renewed every year.⁸⁶ In recent years the amount of new applications and renewals has decreased, which some believe is due to undocumented immigrants leaving the state because of the strained economy.⁸⁷ Furthermore, an incident involving a leak of immigrants' personal information by two Utah Department of Workforce Services employees, further stokes fears that a similar malicious dissemination of private information can occur in California.⁸⁸ In New Mexico and Washington, undocumented immigrants have been able to apply for the same driver's licenses as legal residents of the states for years. However, incidents involving fraud to obtain licenses for undocumented immigrants in other states has prompted New Mexico Governor Susana Martinez to unsuccessfully attempt to repeal the law for the past few years.^{89,90} Governor Martinez' approach to fighting fraud is counterintuitive, since further restricting access to essential resources will only encourage even more fraud. Instead, states should attempt to combat it by passing more inclusive and flexible legislation.

⁸⁶ Utah Department of Public Safety. (n.d.).DPC. Retrieved October 26, 2013, from <http://publicsafety.utah.gov/dld/dpc.html>

⁸⁷ Montero, D. (2013, January 25). Utah issues fewer driving privilege cards | The Salt Lake Tribune. The Salt Lake Tribune. Retrieved October 26, 2013, from <http://www.sltrib.com/sltrib/politics/55701126-90/cards-driving-illegal-immigrants.html.csp>

⁸⁸ Wire Staff. (2010, July 22). Utah launches investigation of leak of immigrants' information. CNN. Retrieved October 26, 2013, from <http://www.cnn.com/2010/US/07/22/utah>.

⁸⁹ Simonich, Milan. El Paso Times [El Paso, Tex] 15 Jan 2012.

⁹⁰ Associated Press. (2013, July 24). Alleged ringleaders sought in NM license fraud.USA Today. Retrieved October 28, 2013, from <http://www.usatoday.com/story/news/nation/2013/07/24/nm-license-fraud/2584593/>

Nevada, which also passed driver's license legislation affecting undocumented immigrants in 2013, has already begun to issue driver's licenses and is experiencing problems of its own. Nevada began issuing driver's licenses on January 2, 2014, and within the first few days officials estimated that approximately 75% of immigrant applicants failed the written portion of the exam.⁹¹ For many immigrants, this is the first time they are taking a driving exam, and many run the risk of being ill-prepared for either portion of the test and failing as a result. The problems in issuing driver's licenses and maintaining security in other states show the several pitfalls that both immigrant groups in California and the DMV must avoid in order to help undocumented immigrants successfully navigate the implementation process of AB 60.

On-the-Ground Advocacy

Five immigrant rights groups were selected for interviews in order to ascertain their support in helping undocumented immigrants navigate the implementation process of AB 60. Interviews with the California Immigrant Policy Center (CIPC), Asian Americans Advancing Justice (AAAJ), the Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA), Youth United for Community Action (YUCA), and Presente.org revealed the different channels these groups used to influence the passage of AB 60. Groups used a combination of advocating from the legislative perspective as well as on mobilizing their members to put pressure on

⁹¹ CBS: Las Vegas (2014, January 5). *DMV: Most Fail Test For Driver Authorization Card* « CBS Las Vegas. Retrieved April 12, 2014, from <http://lasvegas.cbslocal.com/2014/01/05/dmv-most-fail-test-for-driver-authorization-card/>

policymakers and share immigrants' stories on the state laws as they affect them in their daily lives in order to help ensure the passage of AB 60.

California Immigrant Policy Center (CIPC)

Founded in 1996 as a response to the IIRIRA, the California Immigrant Policy Center (CIPC) is a statewide organization that works with a coalition of immigrant rights groups to advocate on behalf of immigrants all across the state. The CIPC is responsible for sponsoring Immigrant Day, an annual legislative outreach day in May in which immigrants go to Sacramento to meet with policymakers. Reshma Shamasunder, Executive Director for CIPC, revealed that the organization has been involved with drafting driver's license legislation for over a decade.⁹² The CIPC worked on the bill's language and advocated and collaborated with state legislators, a statewide coalition of immigrant groups, and Congressman Alejo himself.

Asian Americans Advancing Justice (AAAJ)

Another group that helped advocate for the bill's passage through the legislative perspective was Asian Americans Advancing Justice (AAAJ), formerly known as the Asian Pacific American Legal Center. Founded in 1983, they have recently been transitioning from providing legal services to focusing more of their efforts on community organizing and policy advocacy.⁹³ As a result, they have only been involved with AB 60 for the past two years. They were able to focus their energy on AB 60 through their legislation advocate, making sure what the community considered important was included in the legislation.

⁹² Shamasunder, Reshma. 2014. Interview. Los Angeles, CA. 20 February.

⁹³ Ng, Anthony. 2014. Interview. Los Angeles, CA. 24 February.

Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA)

The Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA) was founded in 1986 as a response to the social and political struggles facing the immigrant community in Los Angeles. CHIRLA is actually split into two different departments: organizing and policy. However, it uses the stories and people power of its organizing department to influence the direction of its policy department. CHIRLA's policy department acts a bridge between members of the organization and policymakers, bringing forth testimony of the people suffering under the consequences of the law. CHIRLA has been involved with driver's license legislation for over 20 years, ever since SB 976 first took them away from immigrants. They helped with the passage of the bill by surveying their members about the kind of documents they would be able to supply to prove their identification and sharing this information with Alejo.

Youth United for Community Action (YUCA)

Founded in 1994 in East Palo Alto, Youth United for Community Action (YUCA) is a community organization created and led by young people of color committed to tackling social issues faced by their communities. YUCA has been involved with AB 60 since the summer of 2013, when they first found out Alejo was proposing the bill. According to Braulio Gonzalez, a Co-Program Director for YUCA, since a lot of the youth involved with the organization have undocumented relatives or are undocumented themselves, they felt the need to spread awareness about the

possibility of the bill's passage.⁹⁴ They achieved this through door-to-door canvassing and phone banking, assessing the need in the community for driver's licenses and traveling to Sacramento to meet with the opposition of this bill in hopes of changing minds and helping get AB 60 passed.

Presente

Founded over four years ago, Presente is a national organization that primarily uses mobile and Internet technology to mobilize the Latino community to take political action. It has been involved with immigration reform issues since its inception and became involved with AB 60 last year. Although a relatively young organization, Presente was active in mobilizing over 70,000 members in California through their mobile and online databases, urging members to contact legislators to make sure the bill passes.

Methodology

In order to examine immigrant rights groups' support for navigating the implementation process of AB 60, I designed semi-structured interviews in which I learned the extent of these five groups' efforts in helping ensure the passage of AB 60. I also supplemented the information I gathered from these interviews by analyzing separate interviews I conducted with ten anonymous undocumented individuals over the age of 18 from a church in South Los Angeles who will be affected by this new law. In analyzing the experiences of this small group I found

⁹⁴ Gonzalez, Braulio. 2014. Interview. Los Angeles, CA. 18 March.

how personal experiences shape one's reluctance or willingness to apply for a driver's license under the new law. The data collected from both sets of interviews was coded and analyzed according to several key phrases that came up repeatedly in the separate interviews, which were then sorted into themes.

Participants and Sampling Methods

Participants include undocumented immigrants over the age of 18 affected by the new law, as well as leaders in immigrant rights advocacy groups. A total of five interviews with immigrant rights groups working in California representing both advocacy organizations as well as on-the-ground organizations were conducted, in addition to ten interviews with undocumented immigrants. Interviews with immigrant rights groups were conducted over the phone and were all given in English. I conducted interviews with Anthony Ng, an Immigrant Rights Policy Advocate for Asian Americans Advancing Justice (AAAJ), Antonio Bernabe, a Senior Organizer for the Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA), and Reshma Shamasunder, the Executive Director at the California Immigrant Policy Center (CIPC). Following these initial interviews, snowball sampling was used to identify the following two interviewees: Refugio Mata, of Presente.org, and Braulio Gonzalez, a Co-Program Director with Youth United for Community Action (YUCA). There are limitations that must be acknowledged due to the small sample size, especially since California is a large state with a diverse immigrant population. However, with the exception of AAAJ and the CIPC, most of the organizations interviewed had primarily Latino members and thus only represent a small fraction of the immigrant population of California.

I used similar methods in finding undocumented immigrants to interview for this project. I began with an initial sample of three participants, all from a church located in South Los Angeles, and then used snowball sampling to secure the remaining seven interviews. All ten interviews were recruited from a church in South Los Angeles, and more specifically the neighborhood of Watts. In 2008, there were an estimated 41,028 people living within the neighborhood, of which approximately 61.6% were Latino/Hispanic. The neighborhood is low-income, with the average salary being \$25,161. Approximately 34% of Watts residents are foreign born, and of that population 79.8% were born in Mexico.⁹⁷

The ten undocumented immigrants I interviewed were evenly split by gender, five men and five women, and were all over the age of 18. All ten participants were born in Mexico. The participants interviewed at this church are generally representative of both the church demographics and the neighborhood demographics. The data collected from these interviews were analyzed as a case study of a small church in a neighborhood in South Los Angeles and the personal experiences felt by these participants are not purported to be representative of the personal experiences felt by all undocumented immigrants in California. Interviews with undocumented immigrants were conducted in person in a church conference room, and all but one were conducted in Spanish. Both sets of interviews followed a predetermined interview guide; however some questions were added or modified according to subjects' responses.

⁹⁷ Los Angeles Times (n.d.). *Watts Profile - Mapping L.A.* - *Los Angeles Times*. Retrieved April 16, 2014, from <http://maps.latimes.com/neighborhoods/neighborhood/watts/>

FINDINGS

“Uno va a manejar mas tranquilo. Va ir a trabajar mas tranquilo. Si le para la policia, pues va ser por el error que tenga, ya no va hacer por las licencias.”⁹⁸

“One will be driving at ease. You can go to work at ease. If stopped by the police, it will be for a driving error, not for a [lack of] license.”

Following the wave of inclusive driver’s license legislation enacted in several states this past year, it is important to follow the implementation process in California to ensure a fair and inclusive process. Through ten interviews with undocumented immigrants and leaders of California-based immigrant rights advocacy groups, as well as by reviewing public comments made at one DMV-hosted AB 60 workshop, I investigated the ways these groups planned on helping immigrants throughout the whole process, as well as the personal barriers experienced by individuals as they try to navigate the implementation process. My research revealed that through a three-phase implementation process, the DMV has been soliciting advice from immigrants and immigrant rights groups alike over the requirements for driver’s licenses. Additionally, one of the main concerns undocumented immigrants continue to have about the new licenses are the “DP” markings that they believe leaves them vulnerable to police harassment and may lead to discrimination.

⁹⁸ Undisclosed Participant. 2014. Interview. Los Angeles, CA. 23 February.

1) Three-phase Implementation Process

“The DMV needs to be aware of certain realities of the undocumented community, ensuring that materials are accessible and don’t create an extra burden.”⁹⁹

- Anthony Ng

Immigrant Rights Policy Advocate, Asian Americans Advancing Justice

According to immigrant rights advocacy groups, the driver’s license implementation process has three phases. During the first phase, the pre-drafting of regulations, the DMV solicits advice from the public about the types of documents that should be required in order to apply for a license. Immigrant rights advocacy groups expect the second phase, the actual drafting of regulations, to roll out during the first few weeks of March. Refugio Mata of Presente.org, a national organization that aims to strengthen the political voice of Latino communities, says that this second phase will “open up a period of about 45-60 days of public comments...it’s important for the community to analyze these regulations and voice their concerns.”¹⁰⁰ Similarly, Braulio Gonzalez of YUCA says his organization is “coordinating with folks in San Jose to prepare for the public comments period. We need to make sure we are having conversations with the public right now and clearing up any confusion about what’s in the bill.”¹⁰¹ When the initial regulations are released, which is expected to happen between March and April 2014, immigrant rights groups will work with members of the undocumented community in order to revise the requirements and see if any major flags are raised. At a DMV public forum, Brian Soublet, Assistant Chief Counsel to the Legal Affairs Division of the DMV stated to a crowd of concerned community members,

⁹⁹ Ng, Anthony. 2014. Interview. Los Angeles, CA. 24 February.

¹⁰⁰ Mata, Refugio. 2014. Interview. Los Angeles, CA. 24 February.

¹⁰¹ Gonzalez, Braulio. 2014. Interview. Los Angeles, CA. 18 March.

If your comments in any way lead to us having to revise our regulations that we propose, we will provide another notice, where you will have the opportunity to comment on any changes that we make. Once we've completed that process, we will file the regulations with the Office of Administrative Law, which is charged with reviewing them, and making sure they comply with the requirements of AB 60, and that they propose a set of regulations that are easily understood. Once the Office of Administrative Law approves those regulations, they will go into effect, and we will be in business.¹⁰²

Immigrant rights groups will respond in different ways once implementation enters the final phase and the final regulations are released. Groups like Presente.org, who primarily work using online organizing tactics, plan on sending emails and texts to their over 70,000 registered members to help spread the word about the application process. Groups like California Immigration Policy Center (CIPC) and Asian Americans Advancing Justice (AAAJ), who focused mostly on the legislative perspective when advocating for AB 60, plan on providing informational resources to their partner grassroots organizations. AAAJ also plans on providing educational workshops that will inform the Asian-American community about what they will need to apply for driver's licenses, but did not specify whether they would help the community directly apply for licenses by filling out forms and checking documentation. On-the-ground immigrant rights groups, such as the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), also plan on educating the community once they have relevant information but also plan on taking it a step further and providing direct services to the undocumented community. Antonio Bernabe, Senior Organizer at CHIRLA, says his group plans to hold educational workshops informing the community about the requirements of AB 60 and they will

¹⁰² Soublet, B. 2014, February 15). Public Workshop on AB 60 Regulations – February 13, 2014. Retrieved from http://www.youtube.com/watch?v=siVtqeOgMQo&feature=youtu.be_gdata_player

“offer our help to churches; we want to check papers, fill out forms, and send documentation to the DMV.”¹⁰³ CHIRLA plans on helping people apply for a driver’s license throughout every step of the process, making sure they know the documents they can bring in to prove their identities and residency, as well as helping people fill out any relevant application forms.

2) Input from Undocumented Community

“We need to engage the local community that will be impacted by the legislation, and make sure that driver’s licenses are accessible to all of the nearly 1.8 million undocumented immigrants in California.”¹⁰⁴

*- Refugio Mata
Presente.org*

In general, immigrant rights advocacy groups are most concerned about mobilizing the undocumented community to give their input during the crucial pre-drafting regulations phase. AAAJ and CHIRLA have mobilized members to go to DMV-hosted public forums in the cities of Sacramento and Bell in order to voice their concerns to the DMV about documents they can provide as proof of their identities/residence in California. Presente has released a survey to its members, sent online and through its mobile list of Spanish speakers, asking questions about documents they can most easily access and share with the DMV and also addressing the cost of driver’s licenses. Mata says they will share the results with the appropriate people responsible for drafting regulations, as well as other immigrant rights groups who may be interested in the data he collects. Mata says Presente

¹⁰³ Bernabe, Antonio. 2014. Interview. Los Angeles, CA. 21 February.

¹⁰⁴ Mata, Refugio. 2014. Interview. Los Angeles, CA. 24 February.

wants to make sure that “people aren’t afraid to apply for a driver’s license, that the process is inclusive and not discriminatory.”¹⁰⁶

At the time of this writing, the DMV has held two public forums, one in Sacramento, the state capitol located in Northern California, and another in Bell, a city in Southern California, in which community members were invited to come give feedback about the regulations. Both of these public forums are available to watch online. According to the California Administrative Procedures Act (APA), “when a rulemaking or regulatory action involves complex proposals, the agency must involve parties that would be subject to those proposals in public discussions prior to actually writing the regulations.”¹⁰⁷ The most recent workshop was held in Bell on February 13, 2014 and was publicized on the DMV’s front page two days prior to the meeting. Bell is located in the Southeast region in Los Angeles County and has an estimated population of 36,667 people, and an estimated 90.7% of that population is Latino/Hispanic. An estimated 53.3% of Bell’s population is foreign-born.¹⁰⁸

Bell’s workshop primarily solicited suggestions from the community about the types of documents that would be easiest to obtain in order to prove identity and residency in the state, in addition to the documents already listed in the language of AB 60, which includes consular identification cards obtained from the consulate of the applicant’s country of citizenship, a birth certificate, a home utility bill, lease or rental agreement, marriage licenses or divorce certificates, foreign

¹⁰⁶ Mata, Refugio. 2014. Interview. Los Angeles, CA. 24 February.

¹⁰⁷ Soublet, B. 2014, February 15). Public Workshop on AB 60 Regulations – February 13, 2014. Retrieved from http://www.youtube.com/watch?v=siVtqeOgMQo&feature=youtube_gdata_player

¹⁰⁸ Los Angeles Times (n.d.). *Bell Profile - Mapping L.A.* - *Los Angeles Times*. Retrieved April 17, 2014, from <http://maps.latimes.com/neighborhoods/neighborhood/bell/?q=Bell%2C+CA%2C+USA&lat=33.9775142&lng=-118.1870156&g=Geocodify>

driver's licenses, school or college transcripts, property tax bills, and income tax returns.¹⁰⁹ Members from organizations such as CHIRLA, and several day laborer centers, spoke up about alternative documents, suggesting organizational identification cards issued to them by their community organization, which includes important information such as their full name, address, birth date, photo, and signature. One woman commented, "if they could at least provide church documents...baptismal certificates, Holy Communion, something related to the church."¹¹⁰ Many attendees of the workshop echoed this sentiment, which displays the strong ties immigrants have with social organizations that can be used to prove their residency and identities. This could also potentially reduce costs for immigrants applying for driver's licenses since they would not have to pay extra fees for accessing their birth certificates or obtaining a consular ID.

Another issue that concerned the community members present at the Bell workshop was the affidavit immigrants must sign stating they are ineligible for a Social Security number and unable to provide proof of lawful presence in the United States, which in effect reveals their status as an undocumented immigrant. There were concerns over the language of the affidavit, as described in a public comment by Suzan Foster, Executive Director of the Pomona Economic Opportunity Center, a day labor center,

Information from the affidavit must not be shared with federal agencies, like ICE, the Dept. of Homeland Security, or even local law enforcement, and that the affidavit should be written in such a way to protect people's privacy. And so they're not necessarily admitting their immigration status, perhaps the language I've heard

¹⁰⁹ Alejo, L. (2013). *Assembly Bill 60*. Retrieved from California State Legislature website: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0051-0100/ab_60_bill_20131003_chaptered.pdf

¹¹⁰ Undisclosed Participant. (2014, February 15). Public Workshop on AB 60 Regulations - February 13, 2014. Retrieved from http://www.youtube.com/watch?v=siVtqeOgMQo&feature=youtu.be_gdata_player

suggested, is 'have not been issued a Social Security #', instead of 'ineligible for a Social Security #'.¹¹¹

The affidavit is a source of concern because it essentially reveals a person as an undocumented person and can be an incriminating piece of evidence of one's unlawful presence in the United States if it falls into the wrong hands. As Refugio Mata explains,

People are required to sign an affidavit that says they don't have a Social Security number, basically saying a person is undocumented without actually saying it. We need to make sure the language is worded carefully and is not cumbersome or confusing, and that the language is private.¹¹²

Because the affidavit is a very sensitive piece of legal evidence of a person's status, it is important that the document be worded in a clear manner that is also respectful of a person's right to privacy. It is also important to keep track of the government employees who have access to this sensitive information and keep that number to a minimum in order to further protect immigrants' right to privacy.

3) Concerns over differences in driver's licenses

"No tenemos derechos, ni voz, ni nada, so podríamos ser atacados..."¹¹³

"We don't have any rights, or a voice, nothing, so we could possibly be attacked..."

All ten of the participants interviewed drive cars and rely on them as their primary means of transportation; however one woman stated that her husband mostly drives her around.

¹¹¹ Foster, S. (2014, February 15). Public Workshop on AB 60 Regulations – February 13, 2014. Retrieved from http://www.youtube.com/watch?v=siVtqeOgMQo&feature=youtube_gdata_player

¹¹² Mata, Refugio. 2014. Interview. Los Angeles, CA. 24 February.

¹¹³ Undisclosed Participant. 2014. Interview. Los Angeles, CA. 9 February.

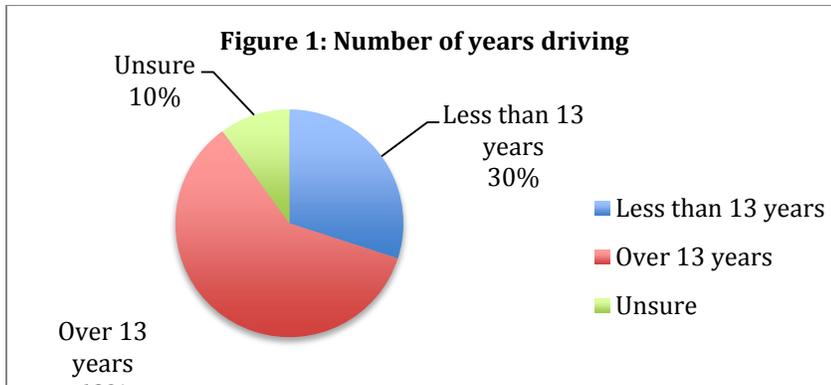


Fig. 1

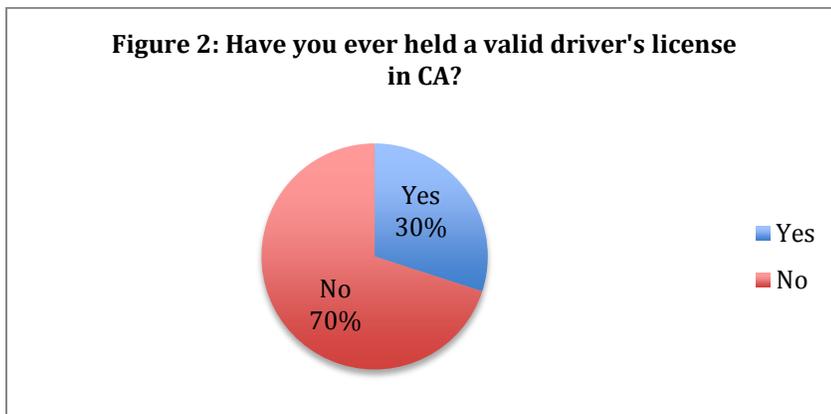


Fig. 2

As shown in Figure 1, three of the participants have been driving for fewer than 13 years, or post-2001, which is when the REAL ID Act was signed into law and when Vehicle Code 12801.5 was fully implemented. Any driver's licenses obtained by undocumented immigrants prior to 1994 in California expired by 2001. Since three of the participants have held a valid driver's license in the past, it is reasonable to conclude that these participants have at least some knowledge of the state's driving laws and may have an advantage in reapplying for a new license as a result. Six participants have been driving for over 13 years. One participant was unsure as to how long she has been driving. Figure 2 show that three of the ten participants have held a valid driver's license in the state of California. Seven of the participants

have not held a valid driver's license. Five participants learned how to drive in California, while the other five learned how to drive in Mexico.

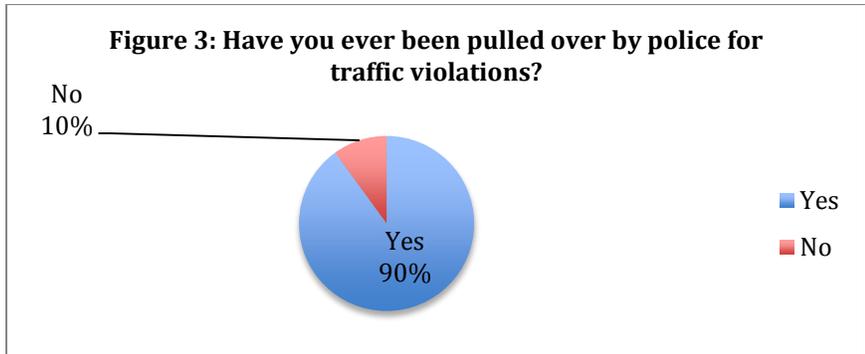


Fig. 3

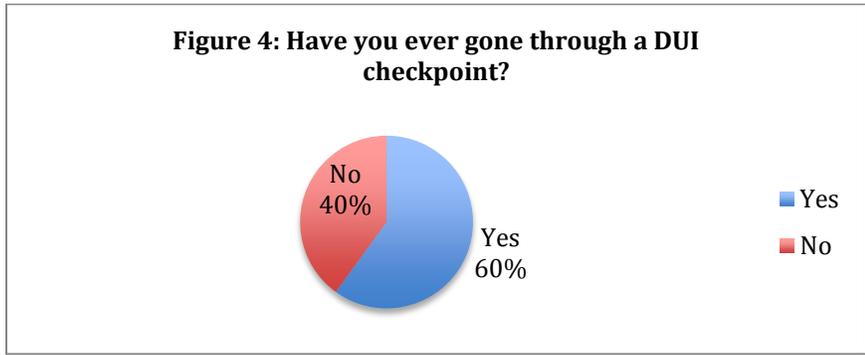


Fig. 4

As shown in Figure 3, nine of the participants stated that they have been pulled over by the police for traffic violations. 30% of the participants have had their cars impounded, and 70% have received tickets and notices for court appearances, and while 30% were allowed to go free with only a warning. Furthermore, six of the ten participants reported that they have gone through DUI checkpoints. Two people have had their cars impounded at these checkpoints for not having a license; however it was unknown whether this happened before or after Cedillo's AB 353 was passed, which prevents police officers from impounding cars at sobriety checkpoints if the driver's only offense is driving without a license. The rest

reported that nothing happened because they either weren't singled out to stop or they were stopped but then allowed to go free.

When asked about their knowledge of AB 60, 40% of the participants confided that they knew nothing about the law. 50% of the participants only knew that the law would give driver's licenses to undocumented immigrants. Additionally, two of the participants knew about the "DP" marking that will be placed on these driver's licenses. One participant had some misinformation, believing that these licenses would only be obtainable by undocumented immigrants without criminal records.

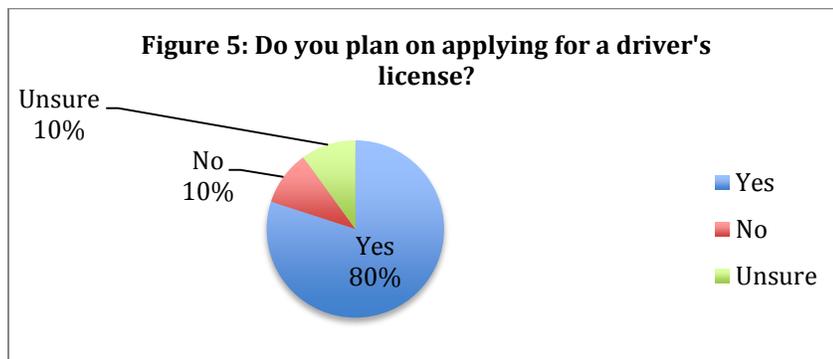


Fig. 5

Of the ten participants interviewed, 80% plan on applying for a driver's license once the law goes into effect, while one stated that they would not apply and another person was unsure if they would apply. After I explained the DP marking to them and asked if this would affect their decision to apply for a driver's license, eight said it would not, one person said it would, citing fear of discrimination and possible deportation because of the marking, and another said it might affect their decision.

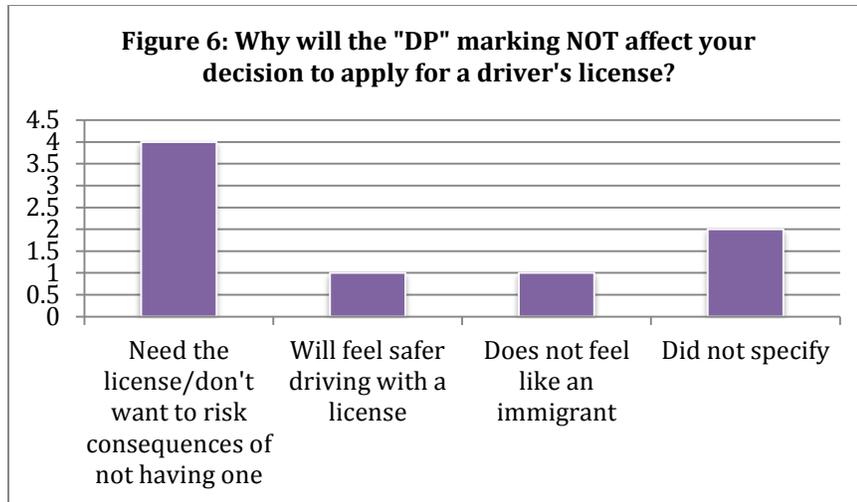


Fig. 6

The primary concern voiced by undocumented immigrants is over the special “DP” marking that will distinguish their driver’s licenses from others. The most common reason listed for distrusting the mark was that they feared it would make them more vulnerable for discrimination. Anthony Ng says that “we don’t want to make [the undocumented community] feel different from people with other driver’s licenses; we don’t want to say ‘driving privilege’ because we want it to be treated like any other driver’s license.”¹¹⁴ While most of the undocumented immigrants interviewed indicated that they would still apply for a license despite the mark, many echoed Ng’s sentiments. One participant said, “pues, si no los marcaban sería mucho mejor. Para que nos miren todos igual.” (“Well, if they wouldn’t mark them it would be much better. So everyone sees us as the same.”)¹¹⁵ All of the participants disliked the marking that will be on their driver’s license should they choose to apply for one. Many of them cited concerns that this license will reveal their undocumented status to authority figures and will likely make them victims of

¹¹⁴ Ng, Anthony. 2014. Interview. Los Angeles, CA. 24 February.

¹¹⁵ Undisclosed Participant. 2014. Interview. Los Angeles, CA. 21 February.

discrimination and intimidation as a result. “I would rather have a license that says I have driving privilege than not have one and risk getting my car impounded again,” a participant shared.¹¹⁶ The expense of car impounds and tickets outweighs the fear of vulnerability and of being targeted unfairly by the police. As demonstrated in Figure 6.3, nine of the ten participants have been pulled over by police for traffic violations, and most of these participants reported being ticketed and/or having their car impounded. Many of the participants indicated that while they feared being discriminated against because of their different licenses, the benefits of having a license far outweighed the risks of further ticketing and car impounds. However, as one participant said, “no debe de tener nada su estado de inmigración con una licencia.” (“One’s immigration status should have nothing to do with a [driver’s] license.”)¹¹⁷ The “driving privilege” mark unnecessarily politicizes driver’s licenses, which should only be given based on one’s knowledge of state driving laws and their ability to drive.

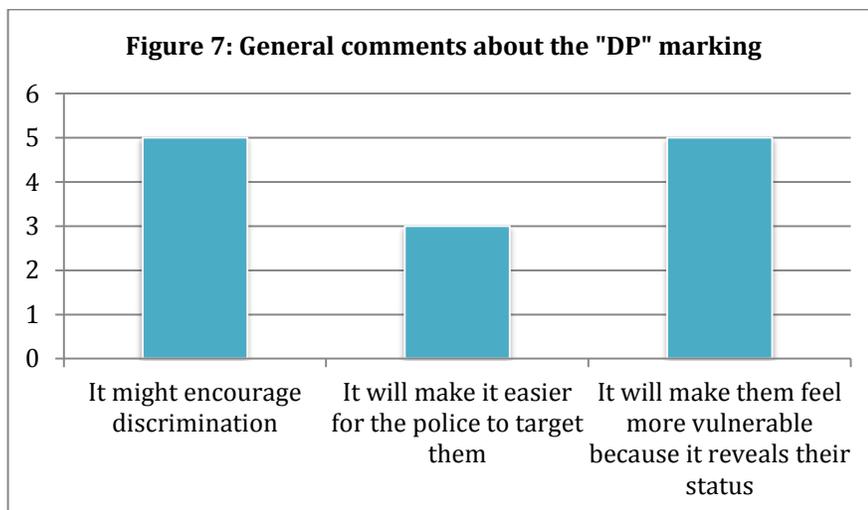


Fig. 7

¹¹⁶ Undisclosed Participant. 2014. Interview. Los Angeles, CA. 20 January.

¹¹⁷ Undisclosed Participant. 2014. Interview. Los Angeles, CA. 9 February.

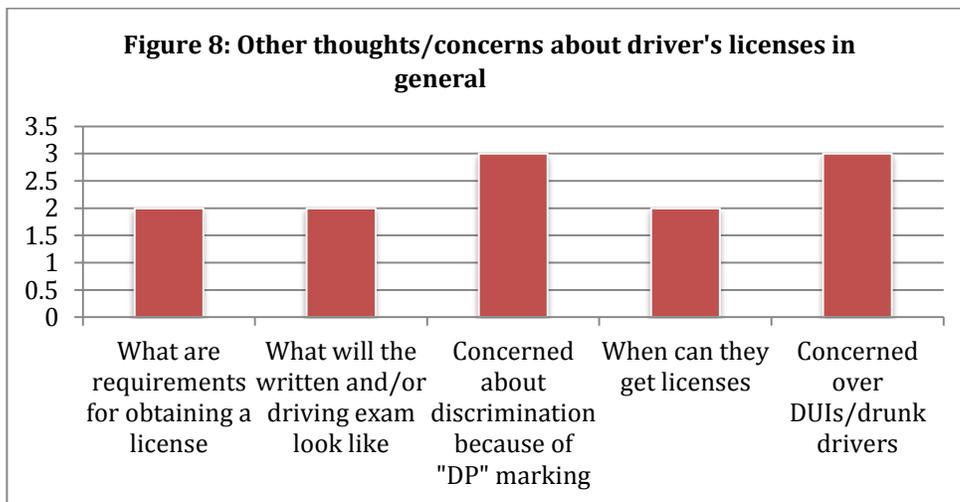


Fig. 8

POLICY RECOMMENDATIONS

As the DMV drafts the initial regulations, they must remain aware of the level of difficulty undocumented immigrants may have in acquiring certain documents to prove their identities and residence in California. As many community members explained during the public workshops, the DMV must consider other forms of ID that are both low-cost and much more easily obtainable, such as church documents, community organization-based identification cards, and expired driver's licenses.

Furthermore, other than the statement voiding their use for federal purposes and the "DP" marking, these licenses should remain identical to other driver's licenses in size, shape, and color, in order to reduce possible discrimination. This will help minimize the vulnerability of immigrants using these licenses and will further enforce their credibility as a means of identification in the state. Additionally, resources should be invested in training local law enforcement agencies and DMV employees about sensitivity issues surrounding the

undocumented community. The DMV can collaborate with community organizations in order to determine what should be included in these trainings, as well as giving these organizations the opportunity to conduct these sensitivity trainings. Furthermore, there must be safeguards in place to prevent harassment and discrimination from local law enforcement and DMV employees. If instances of discrimination occur, appropriate action must be taken in order to correct this type of behavior. Individuals who experience harassment should have access to resources where they can report their experiences confidentially without fear of retaliation for speaking out. Both the DMV and law enforcement agencies must investigate all reported instances of harassment and discrimination. In addition, immigrant rights groups can follow the ACLU's recent example in combating racial profiling. After SB 1070 was passed in Arizona, which authorizes local authorities to demand papers from people they suspect reside in the country unlawfully, ACLU responded by releasing a mobile application that not only informs people of their constitutional rights but also allows them to report instances of racial profiling.¹¹⁸ Immigrant rights groups in California can focus on creating a similar application that can both increase immigrants' knowledge of their rights and hold government employees accountable for their actions.

As news of a recent scandal in Monterey County involving law enforcement officers impounding cars and selling them for personal profit surfaces¹¹⁹,

¹¹⁸ Mendus, E. R. (2013, June 27). *The ACLU releases SB 1070 smartphone app | Más Wired*. Retrieved April 18, 2014, from <http://www.maswired.com/the-aclu-releases-sb-1070-smartphone-app/>

¹¹⁹ Romney, L. (2014, February 25). Scandal rocks police force in Monterey County town. *Los Angeles Times*. Retrieved March 19, 2014, from <http://www.latimes.com/local/la-me-king-city-police-20140226.0.4286205.story#axzz2wdDjkUt>

policymakers must place an immediate moratorium on state's 30-day car impound policy. Despite the passage of AB 60, the state's 30-day impound policy for unlicensed drivers continues to be enforced. Undocumented immigrants still need to drive, even as they wait for the opportunity to apply for driver's licenses. Not only does the undocumented community still incur unfair and costly penalties for driving, but they continue to live in fear of being stopped by law enforcement and getting their cars impounded as they patiently wait for the DMV to finalize regulations and begin to issue driver's licenses.

CONCLUSION

Undocumented immigrants are important members of our society that have suffered enormously due to restrictive federal and state immigration legislation. With its recent passing of several pro-immigrant legislative pieces, California is positioning itself as a safe space for the millions of undocumented immigrants who call this state home. Now that AB 60's passage has repealed Vehicle Code 12801.5, the state is faced with new challenges throughout the implementation process as they find ways to fully and seamlessly integrate what is sure to be a large influx of new drivers. While it is admirable that California and other states are finally embracing immigrants as people who do not deserve to be punished for simply living in the country, this needs to be reflected on the national level as well. As record-breaking numbers of deportations caused by enforcement-heavy federal policies continue to destroy families, the time for comprehensive immigration reform is long overdue.

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