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A Legal and Policy Analysis of Driver's Licenses for Undocumented Rhode Islanders

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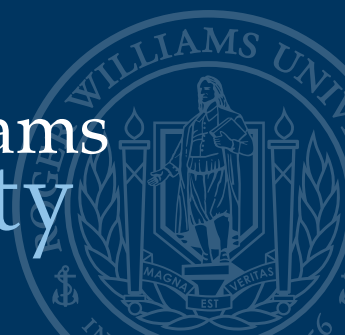


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Driver's Licenses for Rhode Island's Undocumented Residents: A Legal Analysis

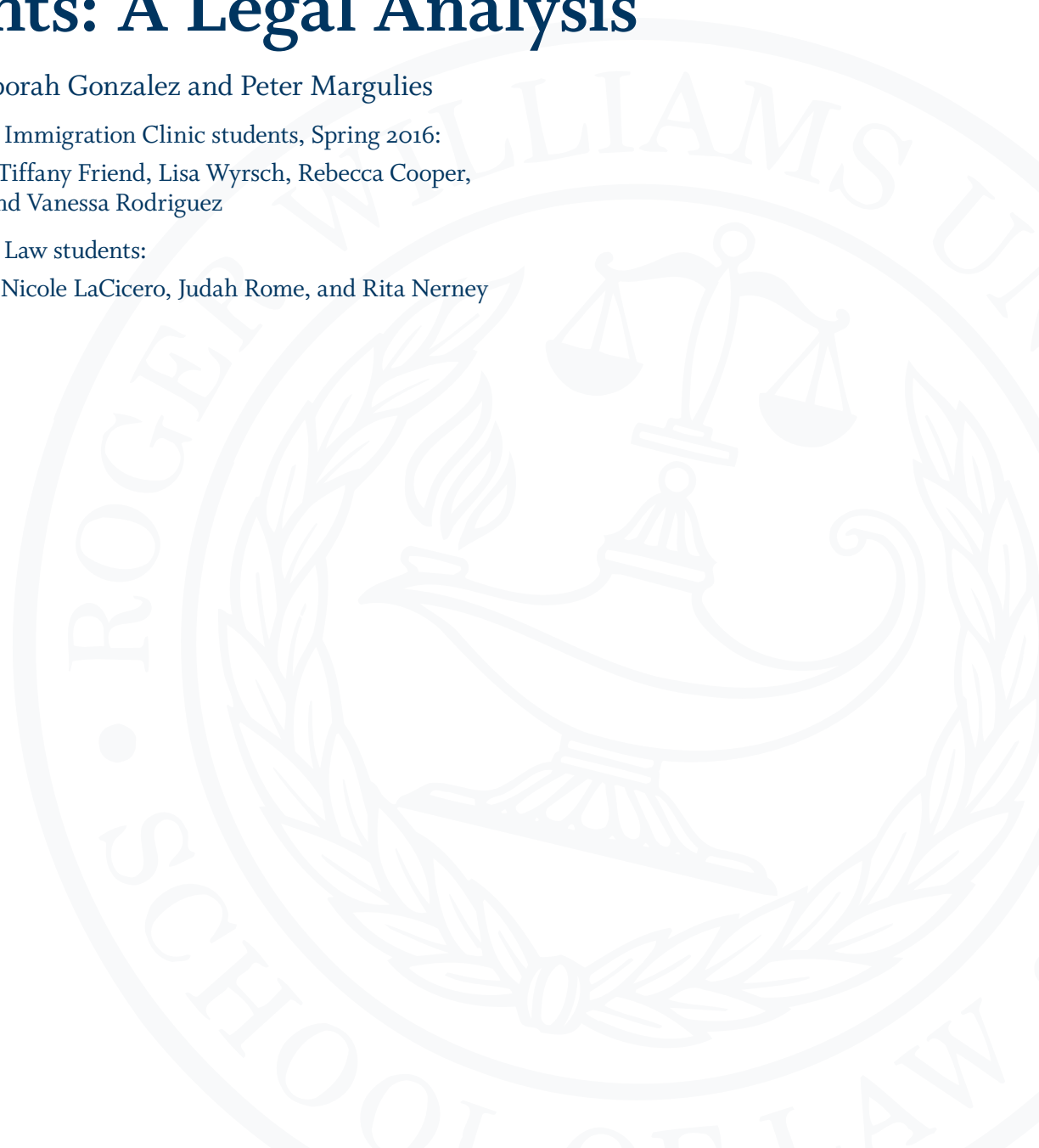
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A Legal Analysis

Since at least 2013, Rhode Island's State Senators and Representatives have submitted bills to the General Assembly to establish a dual driver's license system, wherein the State of Rhode Island would allow the undocumented immigrant population to obtain driving privileges. Of course, none of the bills proposed would grant any sort of lawful status to these undocumented immigrants, as only the federal government has authority to grant such status.

In 2016, Senator Frank Ciccone submitted bill S-2333 to the Rhode Island Senate, and Representative Anastasia Williams submitted bill H-7610 to the Rhode Island House of Representatives. Both bills proposed the issuance under certain conditions of driver's licenses/driving privileges to the undocumented population in Rhode Island. This memorandum compares those bills to efforts in other states.

The key reasons for issuance of driving privileges to the undocumented population are increased public safety and positive economic impact. Over the past three years, nine states, Washington D.C., and Puerto Rico have enacted legislation that grants either a driver's license or driving privileges to their undocumented population. The states include California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, and Vermont. New Mexico, Utah and Washington State also provide driver's licenses or driving privileges to their undocumented immigrant population and have been doing so since as early as 1993. Tennessee, Maine and Oregon have also issued driving privileges to their undocumented population in the past; Tennessee from 2001 to 2006, Maine from 2005 to 2006 and Oregon from 1990 to 2007.

Each state has identified a different reason for granting driving privileges to the undocumented population. In Vermont, for example, the legislation to grant driving privileges to the undocumented immigrants of the state made economic sense, because most undocumented immigrants living in Vermont work on dairy farms, which are a substantial contributor to Vermont's economy. Granting the undocumented population in Vermont driving privileges ensured that these workers could get to work.

Nevada enacted similar legislation for public safety reasons. The premise of the legislation in Nevada was that issuing driving privileges to the undocumented population would ensure that drivers would have to pass driver's education and driving tests. Nevada also required that recipients of driving privileges purchase car insurance, ensuring the availability of greater resources for accident victims.

Colorado's justification for the legislation was that the cost of car insurance premiums will not increase due to losses caused by undocumented immigrants. A report done by the Colorado Fiscal Institute estimated that 16.2 percent of all Coloradans were driving without insurance, and unlicensed immigrants made up about a quarter of this population. The report further estimated that Colorado could see savings of \$29.5 million in insurance premiums every year when all immigrants are able to get driver's licenses and purchase car insurance. Studies have shown that those who have a driver's license or driving privilege are less likely to leave the scene of an accident or to be involved in a fatal car crash. The AAA Foundation reported in 2011 that unlicensed drivers were 19% more likely to be involved in a fatal car crash.

As a public safety measure, the bills that have been introduced by Senator Ciccone and Representative Williams both require that applicants for driving privileges be required to complete driver's education and pass a driving test. The completion of driver's education and passing of a driving test would ensure that all drivers on the roads are aware of the driving rules and laws of the road, thereby making it safer for all to drive. Moreover, the granting of a driving privilege document to the undocumented population in Rhode Island would make it easier and more efficient for police officers to identify drivers they encounter on Rhode Island's roadways.

All of the states enacting such measures have sought to accurately ascertain the identity of an applicant and determine the duration of an applicant's residency in the state. Accurately ascertaining an applicant's identity is vital for preventing fraud and identity theft. Determining duration of residency is important because each state wishes to aid its own residents and avoid becoming a magnet for other states' residents. Moreover, each state enacting such policies also must comply with the relevant provisions of the U.S. Real ID Act. This paper will discuss the requirements each state put in place to determine identification and residency of each applicant and comply with the REAL ID Act.

I. STATE LEGISLATION: LENIENT, MODERATE, AND STRICT APPROACHES

A study of all fourteen states' legislation found that there are three approaches to proof of identity and duration of residence in the state: lenient, moderate, and strict. For the purpose of this paper, lenient legislation is defined as legislation that required the least number of documents to prove identity and/or documents that are easily obtainable by the applicant. In terms of residency requirements, lenient states offered a wide variety of options for documents that could be submitted to prove residency along with the shortest length of time an applicant is required to reside in any given state. For example, Nevada requires only 60 days of residence. Most states that have lenient legislation do not require applicants to provide a social security number, ITIN or tax returns.

Moderate legislation is defined as legislation that required specific documentation to prove identity such as a valid or expired passport, a consular identification card, or other documents that are not as easily obtainable by the applicant. For example, the State of Maryland requires a valid passport or a consular card from either Mexico, Ecuador or Guatemala. To prove residency, most moderate legislation requires applicants to reside in the state for a longer period of time (from 6 months to 2 years). These states also required evidence of a social security number, a letter from the social security office indicating that the applicant is not qualified to have a social security number, or an ITIN, and in some instances tax returns for a specific period.

Strict legislation requires very specific documents to prove identification such as a valid passport or original birth certificate. These documents may be difficult for applicants to obtain, given the lack of effective and reliable governance in potential applicants' countries of origin in Central America and elsewhere. Strict legislation also requires that the applicant provide a social security number or an ITIN, and have longer periods of residence in the state, such as two or more years. Moreover, strict legislation states require applicants to provide evidence of residence such as tax returns filed within the state, as well as a fingerprint to prove background.

Based on the research and the definitions above, the bills being proposed in the Rhode Island House of Representatives and the State Senate would be considered moderate bills, which impose reasonable standards for proof of identity and residence without being needlessly restrictive.

II. PROOF OF IDENTITY: WHAT TYPES OF IDENTITY DOCUMENTATION ARE MOST STATES REQUESTING AND HOW DO THEY COMPARE TO THE PENDING LEGISLATION IN RHODE ISLAND?

All jurisdictions that provide drivers licenses and/or driving privileges require applicants to prove their identity. This requirement makes sense, as each state needs to identify drivers who are on the road in the event of an accident and ensure that police officers are able to quickly identify drivers during a stop. Moreover, driver's licenses are used

not only for permission to drive, but also for proof of identity in other contexts. State-issued documents should be reliable sources of identification in non-driving settings.

States have balanced achieving maximum accuracy in identification and avoiding undue burdens on undocumented residents. All states want to prevent fraud or identity theft. At the same time, realizing the public safety and economic benefits of driving privileges for undocumented residents requires practical standards. If only a small minority of bona fide applicants can meet the test, a state will realize far fewer economic and public safety benefits. Standards should be rigorous enough to protect Rhode Island's legitimate interests in ascertaining that each applicant is the person he or she claims to be, and an actual Rhode Island resident. For example, a combination of documents such as a birth certificate and a consular card may suffice to prove identity, and guard against fraud. If that is so, requiring an additional document that is more difficult to obtain, such as a passport, does not strengthen protection of the state's legitimate interests. This added requirement would merely reduce access to driving privileges for otherwise eligible individuals. Such a redundant requirement would, therefore, diminish the economic and public safety benefits that driving privileges promote, while providing no additional protection against fraud.

States with lenient, moderate, and strict standards balance these concerns differently. As lenient states, Washington State and New Mexico allow applicants to provide a certified copy of a birth certificate, as opposed to the original birth certificate. Washington State allows those who cannot provide a birth certificate to provide other documents to prove identity such as school transcripts with a date of birth, a divorce decree, a marriage certificate, or a professional license.

Although Washington State permits applicants to submit a range of documents that may be easily obtainable, there is no evidence that Washington State residents apply for driving privileges using fraudulent documents.

New Mexico is also considered to be a lenient state, because it only requires that the applicant submit one form of identification from a list of documents that are easily obtainable, along with one document that has an identification number on it. An example of the documents an applicant in New Mexico can submit to prove identity is a bank statement from a federally insured institution (which would be the document with an identification number) and a certified copy of the birth certificate with a translation. These documents are easily obtainable, as many smaller credit unions that are federally insured may not require a social security number, thereby making it easier to open a bank account. Moreover, obtaining a certified copy of the birth certificate may not be as difficult as obtaining an original birth certificate, as many foreign nationals who come to the United States may have a copy of their birth certificate, but not the original. More moderate states have required that the applicants provide identification documents that may be more difficult to obtain. However, requiring these documents may offer better protection against fraud.

In the District of Columbia, for example, an applicant must provide either a valid passport or valid consular card, or the original birth certificate. These documents may be more difficult for an applicant to obtain, as the applicant may not have access to the original birth certificate which in many instances is a requirement for obtaining a passport and a consular card. The difficulty of obtaining such documentation may cause fewer people to take advantage of the law. The flip-side of the argument is that although the documents may not be as easily obtainable, requiring such documents will ensure that the applicant is properly identified.

States that have enacted stricter legislation, such as Delaware, Utah and California, not only require original documents, but also require a fingerprint. The requirement of a fingerprint may inhibit some applicants from applying for the driving privilege, not because they do not have the original documents required, but for fear of being detected by the U.S. Department of Homeland Security (DHS), including DHS's division of Immigration and Customs Enforcement (ICE).

The bills being proposed in the Rhode Island House and Senate require the applicants to provide identity documents in the form of an original birth certificate, valid passport or consular card, or a passport or consular card that expired within three years of applying for the driving privilege, with no other documentary option to prove identity. This would be considered moderate legislation under our definition, since neither an original birth certificate nor a valid passport is easily obtainable for the undocumented population living in Rhode Island.

III. PROOF OF RESIDENCY: WHAT TYPES OF DOCUMENTS ARE OTHER STATES REQUIRING AS COMPARED TO RHODE ISLAND?

As with proof of identification, all jurisdictions that provide drivers licenses or driving privileges require applicants to prove residency within the state. This makes sense as a matter of policy, as it is presumed that if an applicant is seeking a driver's license or driving privilege within a state, the driver will be using the roads and services of that particular state. States want to insure that drivers are contributing to the economy of the state in order to contribute to the upkeep of state roads, as well as the costs of the issuance of the driver's license or driving privilege documents, which the state often subsidizes. Moreover, states typically wish to issue a driver's license only to undocumented persons actually residing in that jurisdiction, to avoid the "magnet" effect: attracting residents from elsewhere whose sole interest in the issuing state is the lure of a driver's license.

Jurisdictions issuing driving privileges or driver's licenses to the undocumented population varied in the documentary requirements. Applicants must prove residency in the state and an established period of said residency in the particular jurisdiction.

States like New Mexico and Nevada, which are considered lenient states, require that the applicant has been living in the state for only 90 or 60 days respectively. Moreover, these two states require that the applicant provide two proofs of residence from a list of documents that would be easily obtainable. For example, in New Mexico an applicant can submit documents, such as: pay stubs, utility bills, bank statements, or a rental agreement. These documents are easily obtainable, as anyone living in the State of New Mexico will likely be living in an apartment and paying for utility services.

Nevada is even more lenient, as it only requires 60 days of residence, and residence can be proven by way of a receipt from a hotel, or a medical bill. Although the residency requirements of these states would make the process of obtaining driving privilege much easier, these lenient requirements may also allow people who are not actually residing in Nevada to apply for driving privilege in that state. For example, it would be possible for someone to stay in a Nevada hotel one night, go to a doctor or medical facility the next day, and obtain a driving privilege document without actually residing in the State.

Conversely, the more moderate states like Connecticut and Maryland have more stringent requirements. In Connecticut, for example, an applicant must show that he or she has been living at the present address for more than 90 days, and that he or she has been living in the State of Connecticut for at least the past 12 months. An applicant in Connecticut can prove present address by presenting a bank statement with the applicant's name and address older than 90 days, or a pay stub; these documents are just a few from a list that Connecticut provides. Moreover, an applicant in Connecticut can prove 12 months of residence in Connecticut by submitting a tax bill, a homeowner's or renter's insurance policy, or a rental contract. Connecticut law requires applicants for driving privileges to provide two proofs of residence.

Maryland's residency requirements are even stricter than Connecticut's, because Maryland requires applicants for driving privileges to provide a letter from the Maryland Comptroller certifying that the applicant has filed tax returns for the two preceding years. To ensure that applicants do not falsify this letter, the Maryland Comptroller's letter contains a control number that must be inputted into the department of motor vehicles database. The letter from the comptroller's office alone cannot serve as proof of residence. To prove residence in Maryland, applicants must submit two proofs of residence, which may include documents such as utility bills, tax bills, or rental agreements.

Although moderate legislation states require the same number of proofs of residence as lenient states, moderate states require the applicant to have lived in the state for longer periods. Requiring longer periods of residence ensures that the applicant has made significant contribution to the state's economy and guards against applications from residents of other states.

On the other hand, Maryland's requirement that applicants provide a letter from the Maryland Comptroller proving two years of taxes filed may discourage people from applying for driving privileges if they have not filed taxes or cannot file taxes within the state due to the lack of a social security number or ITIN.

Stricter states such as Utah require not only that the applicant provide two proofs of residence, but also require that they attach a fingerprint card with a photo to their application, which requires additional fees. The fingerprints must be obtained by the states' Bureau of Criminal Investigation department. This requirement may inhibit applicants from applying for fear that the information obtained from the fingerprinting will be shared with ICE.

By comparison, the residency requirements of Rhode Island's House and Senate bills would be considered moderate, as both bills require at least two proofs of residence, two years of residence in the state, and two years of filing taxes in Rhode Island. Although this requirement is considered moderate, it also ensures that the applicant of the driving privilege will have made a substantial contribution to the State's economy and be a bona fide Rhode Island resident.

IV. COMPLYING WITH THE REAL ID ACT

Securing driver's licenses and identification documents of individuals present in the United States is an indispensable component of national security. As a result, Congress enacted the Real ID Act in an effort to identify all persons living within the United States. The Act established various standards that seeks to further this interest. Such standards require that states verify the person's social security number, and verify the person's date of birth.

As a result of the Real ID Act, federal agencies are prohibited from accepting identification documents from various states that do not comply with the standards under the Act.

However, pursuant to Section 202(d)(11) of the Act, states are considered in compliance of the Act even if not applying all standards, so long as the driver's licenses or identification documents are clearly marked as "Not Valid for Federal Purposes" and are a different color than identification documents that are compliant. These precautions allow federal agencies to quickly identify a document that has not applied all standards under the Act.

Both the Rhode Island House and Senate bills include provisions that would differentiate Rhode Island's driver's licenses from driving privilege cards, as each bill requires the disclaimer "Not Valid for Federal Purposes" and requires that driving privilege cards be issued with a different color.

CONCLUSION

For more than a decade, states throughout the U.S. have addressed whether to issue driver's licenses or driving privileges to undocumented persons within their jurisdiction. Resolving this issue in each state has entailed a balancing of interests. Granting driver's licenses or privileges can result in public safety and economic benefits. To realize those benefits, however, a state must be able to accurately identify all applicants, and determine that applicants are in fact residents of that state.

States undertaking this balancing have a range of approaches: lenient, moderate, and strict. Where states stand on this metric depends on the difficulty of obtaining the requested documents and the length of time required to prove residence. States with a lenient approach invite fraud and free-riding by residents of other states. States with a strict approach discourage bona fide applicants, and thus jeopardize the public safety and economic benefits of granting driver's privileges to undocumented individuals. In our view, moderate states strike the right balance, by ensuring accurate identification and determination of residency while promoting access for qualified applicants. Rhode Island's proposed legislation fits well in this moderate category.

NOTES AND REFERENCES

- ¹ U.S. Const. art. I, § 8, cls. 3, 4, 9; *id.* § 9, cl. 1.
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- ³ Jack Thurston, *Vt. to grant driver's IDs to undocumented residents* (June 5, 2013), available at <http://www.wptz.com/news/vermont-new-york/burlington/vt-to-grant-drivers-ids-to-undocumented-residents/20439064>.
- ⁴ See Whip Villarreal, *DMV: Nevada has issued 20,000-plus driving cards in first six months* (June 29, 2014), available at <http://www.reviewjournal.com/news/nevada/dmv-nevada-has-issued-20000-plus-driving-cards-first-six-months>.
- ⁵ Colorado Fiscal Inst., *The Impact of Allowing All Immigrants Access to Driver's Licenses* (June 29, 2015), available at <http://www.coloradofiscal.org/the-impact-of-access-to-drivers-licenses/>.
- ⁶ *Id.*
- ⁷ "Unlicensed to Kill," AAA Foundation for Traffic Safety (Washington, DC: AAA Foundation, Nov. 2011), pgs. 6, 13, available at <https://www.aaafoundation.org/sites/default/files/2011Unlicensed2Kill.pdf>.
- ⁸ *Id.*, p. 5.
- ⁹ *Id.*, p. 13.
- ¹⁰ REAL ID Act of 2005, Public Law 109-13, 119 Statute 302 (2005).
- ¹¹ See National Immigration Law Center, *State Laws Providing Access to Driver's Licenses or Cards, Regardless of Immigration Status* (2015), available at <https://www.nilc.org/wp-content/uploads/2015/11/drivers-license-access-table.pdf>.
- ¹² See Nev. Rev. Stat. Ann. § 483.291.
- ¹³ *Id.*
- ¹⁴ Individual taxpayer identification number.
- ¹⁵ Maryland Dep't of Transp., Motor Vehicle Admin., available at <http://www.mva.maryland.gov/drivers/apply/sources-of-proof.htm>.
- ¹⁶ See Washington St. Dep't of Licensing, *Steps to getting your first driver license*, available at <http://www.dol.wa.gov/driverslicense/idproof.html> (hereinafter Wash. St. Driver's License Rules).
- ¹⁷ See N. Mex. Motor Vehicles Dep't, *Apply for New Driver's License*, available at <http://www.mvd.newmexico.gov/apply-for-new-driver-s-license.aspx>.
- ¹⁸ See Wash. St. Driver's License Rules, *supra* note 16.
- ¹⁹ See N. Mex. Motor Vehicles Dep't, *Proof of Identity No SSN*, available at <http://www.mvd.newmexico.gov/proof-of-identity-no-ssn.aspx>.
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- ²² Nev. Dep't Motor Vehicles, *Driver Authorization Cards*, available at <http://www.dmvnv.com/dac.htm> (hereinafter Nev. Driver Authorization Cards); and N. Mex. Motor Vehicles Dep't, *Proof of N. Mex. Residency*, available at <http://www.mvd.newmexico.gov/proof-of-new-mexico-residency.aspx> (hereinafter *Proof of N. Mex. Residency*).
- ²³ *Proof of N. Mex. Residency*, *supra* note 22.
- ²⁴ See Nev. Driver Authorization Cards, *supra* note 22.
- ²⁵ Connecticut Dep't Motor Vehicles, *Drive Only Document Checklist*, available at <http://www.ct.gov/dmv/lib/dmv/20/29/di-4.pdf>.
- ²⁶ *Id.*
- ²⁷ Maryland Motor Vehicles Admin., *Federally Non-Compliant Product Sources of Proof*, available at <http://www.mva.maryland.gov/drivers/apply/federally-non-compliant-requirements-list.htm>.
- ²⁸ Utah Dep't Motor Vehicles, *Applying for a New License (Drivers 18+) in Utah*, available at <http://www.dmv.org/ut-utah/apply-license.php>.
- ²⁹ U.S. Dep't Homeland Security, *Real ID Enforcement in Brief*, available at <http://www.dhs.gov/real-id-enforcement-brief>.
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- ³¹ *Id.* at §202(c)(1).
- ³² Am. Civ. Lib. Union, *Real ID Act of 2005: Apr. 2013 Update*, available at <https://www.nilc.org/wp-content/uploads/2015/11/ACLU-Real-ID-one-pager-0413.pdf>.
- ³³ Real ID Act, Pub. L. 109-13, § 202(d)(11), 119 Stat 311 (codified at 49 USC 30301 note).
- ³⁴ See Rhode Island House Bill 7610, and Rhode Island Senate Bill 2333.



Issuing Driver's Licenses to Undocumented Immigrants in Rhode Island: Policy Analysis

By J. Alejandro Tirado-Alcaraz, Researcher

We are thankful for the information provided by the Rhode Island Department of Revenue, the Division of Motor Vehicles, and the Division of Taxation.

Policy Analysis

EXECUTIVE SUMMARY

In 1932, U.S. Supreme Court Justice Louis Brandeis compared the states to laboratories of democracy when he argued that “a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” Immigration policy is a federal matter that states cannot regulate. However, states do have the ability to regulate traffic safety within their jurisdictions by establishing standards and minimum road safety knowledge for all drivers. Since the 1990s, we have seen an increasing number of states issuing driver’s licenses to undocumented immigrants. This report includes an analysis of the effects of such policy on different areas as applied to the state of Rhode Island. We compared states that issue driver’s licenses to undocumented immigrants with states that do not offer them. The purpose of this study is to shed more light on this complex issue and serve as a reliable reference for public policy analysis.

Some of the most relevant findings are:

- According to the Pew Research Center and the Center for Migration Studies, the number of undocumented immigrants in Rhode Island is approximately 30,000 people (Warren and Warren, 2013; and Passel, 2015).
- From 1990 to 2012, states that provide driver’s licenses to undocumented immigrants did not observe a massive influx of immigrants. In fact, changes in the undocumented population by state reflect changes at the national level. Based on the experience of the jurisdictions that adopted this policy, there is no truth to the idea that more undocumented immigrants will come to Rhode Island simply because they can obtain a driver’s license.
- Rhode Island has the largest percentage of uninsured motorists in New England.
- The percentage of uninsured motorists is consistently higher in states that do not provide driver’s licenses to undocumented immigrants.
- The average cost of auto insurance is lower in states where driver’s licenses are available to undocumented immigrants.
- Traffic fatalities are lower in states where undocumented immigrants can obtain a driver’s license.
- Poverty rates tend to decline at a faster rate in states that provide driver’s licenses for undocumented immigrants.
- The expected fiscal revenue for the Rhode Island Division of Motor Vehicles (RIDMV) will depend on the size of the eligible population, the scope of implementation, the fees, and the length of validity of the alternative driver’s license.
- The estimated fiscal revenue under different assumptions could be between \$200,000 and \$800,000.

Based on the research findings, our policy recommendations are:

- In regards to the policy scope, it is important to consider that data about undocumented immigrants are based on estimates. Although the data comes from reliable sources, further research is needed in order to develop an estimation tailored specifically to Rhode Island.
- Issuing driver’s licenses to undocumented Rhode Islanders will lead to safer roads and potentially better economic opportunities.
- The effective costs and revenues will be determined by the combination of fees and length of validity of the new driving document set by the Rhode Island Division of Motor Vehicles.
- A clear list of requirements and eligibility criteria are key elements for an effective implementation of the policy.
- An outreach and education campaign would contribute to a successful implementation of the policy. On the one hand, it would educate the Rhode Islanders by forging a discussion about the pros and cons of granting undocumented immigrants an alternative form of a driver’s license. On the other hand, it may dissipate fear and hesitation among the undocumented which would translate into a larger number of applicants.

INTRODUCTION

The State of Rhode Island is considering whether to provide driver’s licenses, or alternative forms of a driver’s license, to undocumented immigrants residing in the state. This research assesses the potential impact of such policy. Our purpose is to present an analysis based on the experiences of other states and based on the data that is available for Rhode Island.

Currently, there are 14 jurisdictions that provide standard or alternative driver’s licenses to undocumented immigrants. The majority of these states began this practice very recently – ten since 2014. In addition, there have been other states that in the past did not require lawful presence to issue driver’s licenses. For instance, Maine, Oregon, and Tennessee at some point did not have a lawful presence requirement. In the case of Washington State there has not been such a requirement since 1990 (Table 1).

This analysis is based on the experiences of these jurisdictions, conditioned by the availability of data or previous studies on the matter. Previous studies have primarily focused on three aspects: auto insurance (rates and costs), public safety, and the overall economic impact. This study explores the potential effects on these three aspects as they relate to Rhode Island.

The most significant challenge for a study dealing with undocumented immigrants is that this population is “largely undetected.” This means that any conclusion is based solely on estimates.

This document is organized into six sections. The first section includes estimates of the undocumented immigrant population in Rhode Island as we compare it with other New England states. This section also shows estimates of the undocumented population and their rate of growth in states that have implemented issuing driver’s licenses to undocumented immigrants, including Utah, New Mexico, and Tennessee. In the second section, we look at the potential effects on auto insurance costs and coverage. We included a comparative analysis with the states that provide driver’s licenses for the undocumented, as well as the states that do not offer them. Section three presents a brief analysis on the trends of traffic fatalities. Just like in the case of auto insurance, we compare states issuing driver’s licenses for undocumented immigrants with those that do not issue them. The fourth section is about the potential impact on the state’s overall economy. In particular, we look at the effects on income and poverty. In section five, we present estimates for the potential Rhode Island Division of Motor Vehicles revenue. We present three scenarios using different estimates for the eligible population. Finally, in the last section we present a set of policy recommendations.

TABLE 1: Jurisdictions and Driver’s Licenses to Undocumented Immigrants

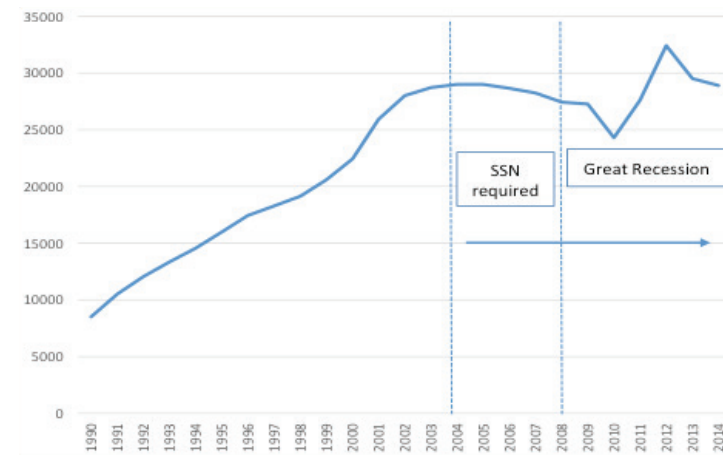
Jurisdiction	Driver’s Licenses Issued, Since (Year)
California	2015
Colorado	2014
Connecticut	2015
Delaware	2016
D.C.	2014
Hawaii	2016
Illinois	2013
Maine	2005 - 2006
Maryland	2014
Nevada	2014
New Mexico	2003
Oregon	1990 - 2007
Puerto Rico	2014
Tennessee	2001 - 2006
Utah	1999*
Vermont	2014
Washington	----

Sources: The Pew Charitable Trusts, deciding who drives: state choices surrounding unauthorized immigrants and driver’s licenses, 2015 a; National Immigration Law Center, 2015; and Query and Kumazawa, 2011, and Caceres and Jameson (2015)

I. ESTIMATES OF UNDOCUMENTED IMMIGRANTS

The precise number of undocumented immigrants in Rhode Island is difficult to pinpoint due to the fact that the Census and other national surveys do not ask for the immigration status of the respondent. However, reliable estimates have been offered by Pew Research Center (PRC) and Warren and Warren (2013). Both of these data sources apply a residual technique based on estimates of the foreign-born population, but from different sources. PRC relies on data from the Current Population Survey (CPS) while Warren and Warren (2013) use the American Community Survey (ACS). We rely on both of these sources for this research.

FIGURE 1.1: Undocumented Immigrants in Rhode Island



Sources: From 2000 to 2010, Warren and Warren (2013). From 2011 to 2014 Warren (2016)

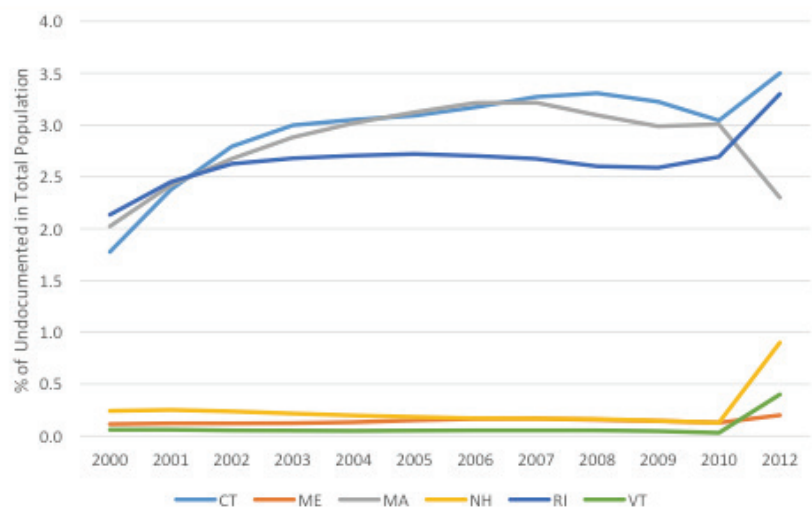
compare Rhode Island with the other New England states, we see that Rhode Island has gone from having the largest share of the undocumented in their total population in 2000, to the second largest in 2012 (Figure 1.2).

One of the arguments against giving driver's licenses to undocumented immigrants is that it will give an incentive to other potential immigrants to move to the state that is providing them (Cáceres and Jameson, 2015). This is also a legitimate concern of those who oppose the idea of allowing undocumented immigrants to drive legally in Rhode Island. We chose to focus on the empirical evidence that is available from previous cases, looking at Utah, New Mexico, and Tennessee. Utah has a two-tier system active since 2005, where undocumented immigrants can get a Driving Privilege Card. New Mexico provides the exact same standard driver's license regardless of the documented legal presence of the driver. Tennessee had a two-tier system between 2004 and 2007, which allows not only for a before-and-after policy evaluation, but also allows us to see the effects of a policy elimination (Cáceres and Jameson, 2015).

Figure 1.1 estimates the total number of undocumented immigrants in Rhode Island since the year 2000. As we can observe, there has been an increase in the number of the undocumented living in the state. The trend has been affected by changes in the economy. For instance, the financial crisis of December 2007 had a negative impact on the number of unauthorized immigrants. However, we can see in the graph that the negative tendency began a couple of years earlier. This was a brief shift, and by 2009 we see steady increases once again.

From a different angle, the percentage of undocumented immigrants in the state's total population has followed a similar trend. When we

FIGURE 1.2: Percentage of Undocumented Immigrants in Total Population, New England States

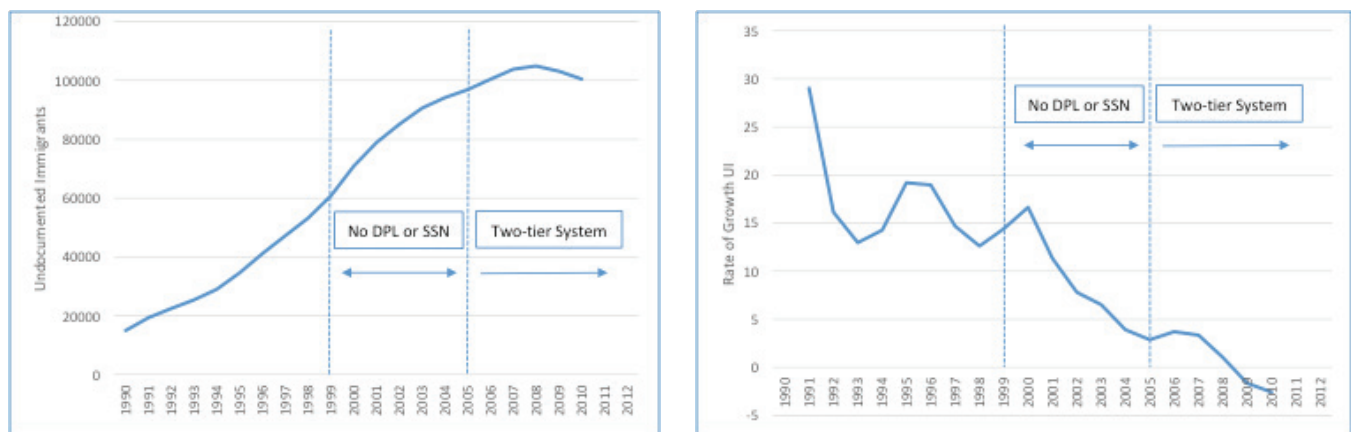


Sources: Warren and Warren (2013); Passel, Cohn, and Rohal (2015); U.S. Census Bureau

Utah established a Social Security Number (SSN) requirement for driver's license petitioners in 1993. This requirement was eliminated in 1999, which allowed unauthorized immigrants to get a standard driver's license. Later in 2005, the state created a two-tier system, where undocumented immigrants were granted a Driving Privilege Card.

If we look at estimates for undocumented immigrants in Utah from 1990 to 2010, we observe an increase in the numbers (Figure 1.3). However, if we look at the rate of growth of the undocumented immigrant population, that is, percentage change in the population from year to year, a striking story is revealed. The rate of growth of undocumented immigrants has been slowing down throughout the years. Moreover, since 2009 Utah has been losing undocumented immigrants. We included in the graphs a pair of dotted lines to mark the years when Utah exempted applicants from the SSN requirement, as well as the year when it started with its two-tier system. It is hard to tell if lowering restrictions for undocumented immigrants to obtain a driver's license had an effect at all on the population trends. The state's economy, the economy of their country of origin, and the existence of migrant networks, are some of the relevant factors and potential causes explained by the literature on migration (Massey, et al. 1993)

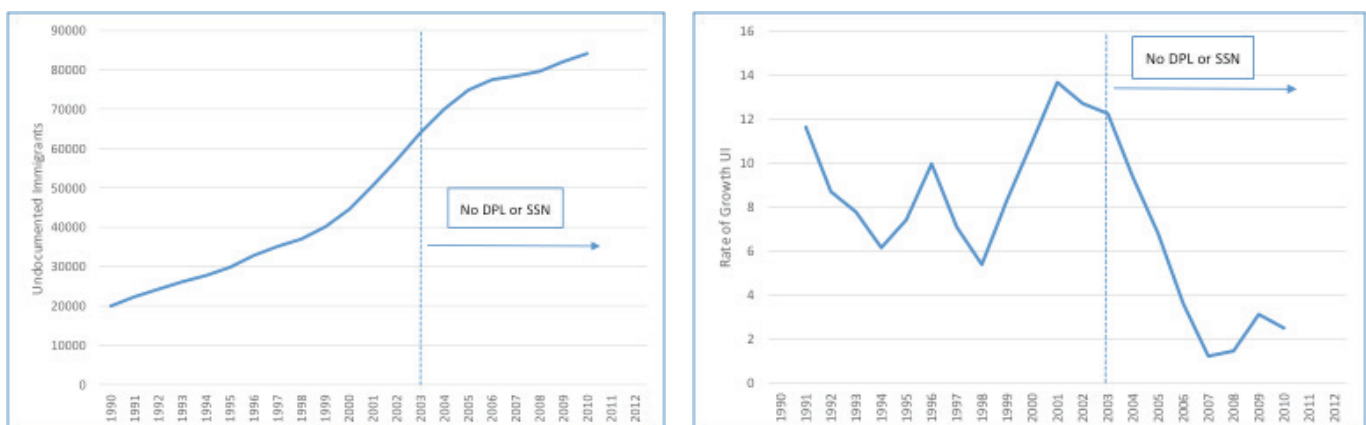
FIGURE 1.3: Estimates of Undocumented Immigrants and Annual Rate of Growth in Utah



Source: Warren and Warren (2013)

The state of New Mexico required a SSN for all driver's license applicants until 2003 when an exception was issued. Since then undocumented immigrants can get a standard driver's license from the state's DMV. Figure 1.4 shows the number of undocumented immigrants and their annual rate of growth. It is clear that this population has grown, but has done so at a lower rate.

FIGURE 1.4: Estimates of Undocumented Immigrants and Annual Rate of Growth in New Mexico

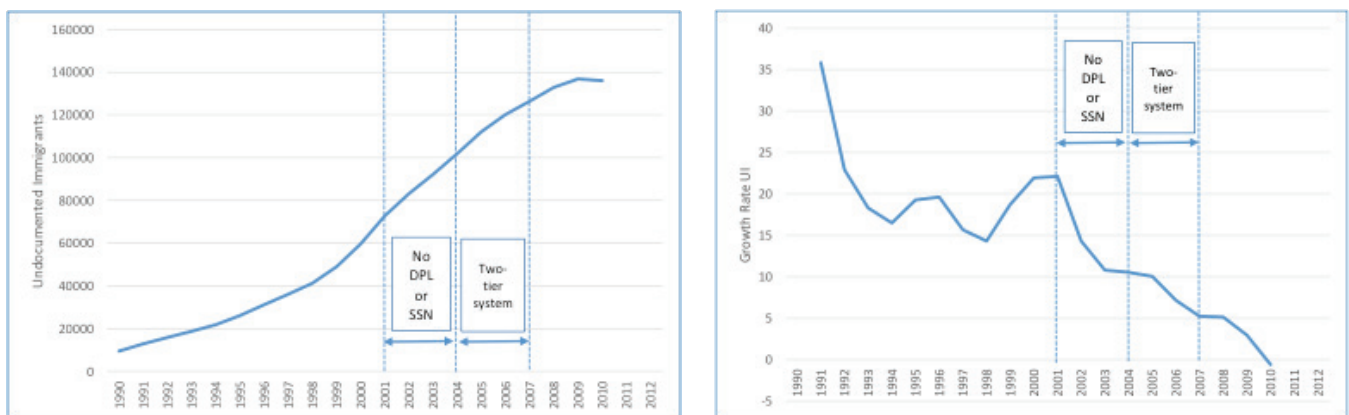


Source: Warren and Warren (2013)

Tennessee provided a SSN exception in 2001. Later in 2004, a two-tier system was created where certificates of driving became available for its undocumented residents, while those who could demonstrate their documented legal presence could access standard driver's licenses (Cáceres and Jameson, 2015). Tennessee's legislature eliminated the two-tier system in 2007. Since then, all drivers must comply with the documented presence requirement in order to obtain a driver's license.

The case of Tennessee remains relevant as it allows for a comparison in four different periods of time: before and after the SSN requirement was eliminated, during the two-tier system, and after the certificate of driving alternative was eliminated. With regards to the estimates of undocumented immigrants, Figure 1.5 shows a positive trend from 1990 to 2010. However, just like we saw before for the cases of Utah and New Mexico, the rate of growth shows a negative trend. Also in Figure 1.5, we observe that the negative trend became more evident since the SSN requirement was eliminated, but we cannot assess that this was due to the change in the state's policy.

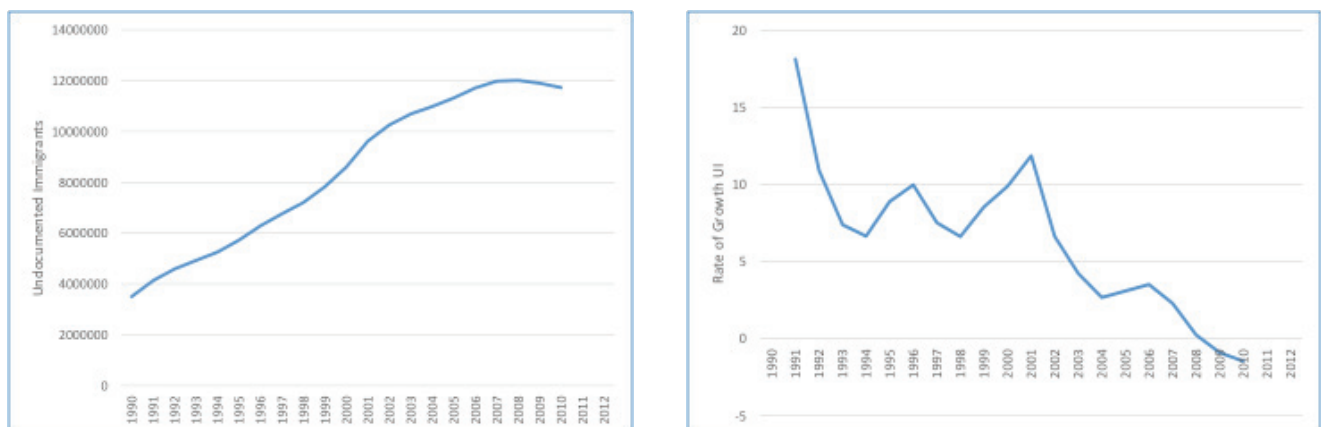
FIGURE 1.5: Estimates of Undocumented Immigrants and Annual Rate of Growth in Tennessee



Source: Warren and Warren (2013)

When looking at the national trends, we can see that the states under analysis have followed national tendencies. This means that allowing undocumented immigrants to have access to some form of driver's license might not have an impact on the number of immigrants residing in these states (Figure 1.6).

FIGURE 1.6: Estimates of Undocumented Immigrants and Annual Rate of Growth: United States



Source: Warren and Warren (2013)

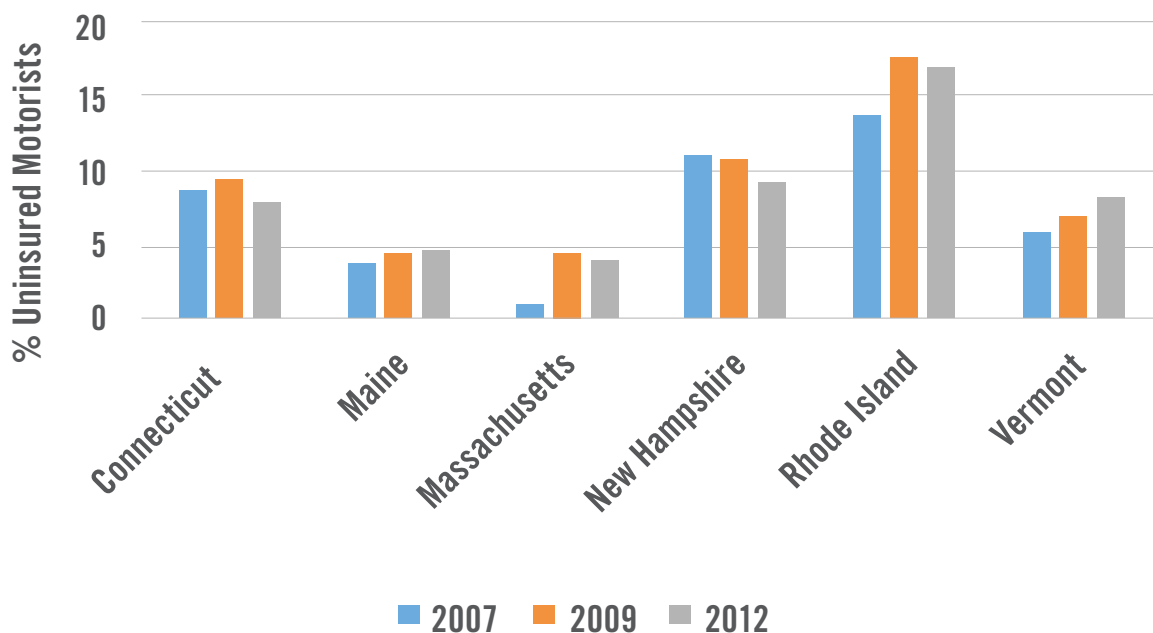
II. AUTO INSURANCE

One common argument in favor of providing driver's licenses to undocumented immigrants is that it will have a positive impact on auto insurance sales. However, a driver's decision to buy auto insurance depends on different factors and having a driver's license is just one of them. State law requirements and economic factors such as poverty levels and unemployment rates are also relevant in the decision of insuring a vehicle (Waslin and Woodward, 2015). Although there is previous research on this issue, the evidence is inconclusive.

A study by the Office of the Utah Legislative Auditor General compared drivers with a Driving Privilege Card with those in possession of a standard driver's license in 2008. The report shows that the percentage of insured drivers within each group are similar, 76% for Driving Privilege Card holders and 82% for standard driver's license holders. The study also revealed that between 2006 and 2008 the percentage of insured drivers within each group increased 1% (Office of the Utah Legislative Auditor General, 2008). The numbers show that in the case of Utah, undocumented immigrants when allowed to legally drive, chose to purchase auto insurance although at a lower rate than the rest of the population.

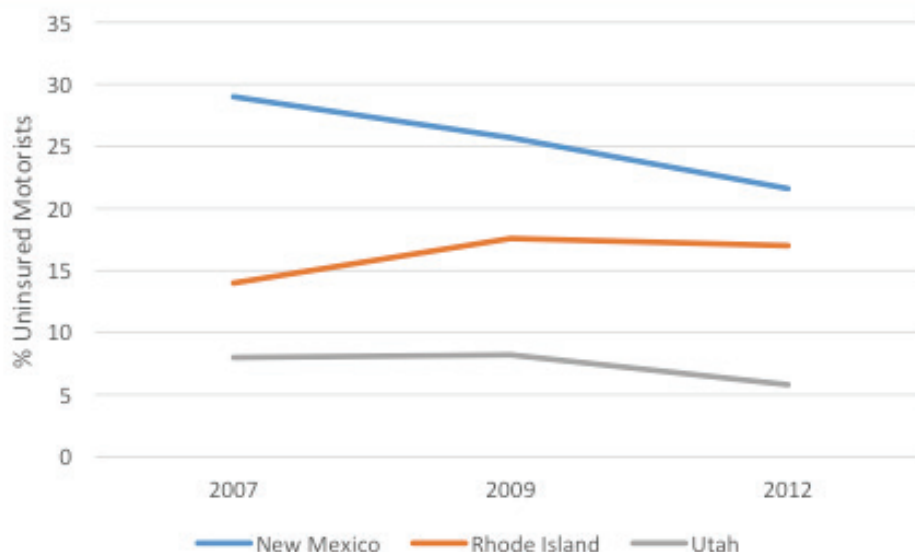
According to Vasan (2015), New Mexico and Utah have observed large decreases in their rates of uninsured motorists. He argues that this is explained, at least in part, by the fact that these two states began issuing licenses to undocumented immigrants just a couple years apart from each other. For instance, in Utah the uninsured motorist rate dropped from 28 percent in 1999 to 8 percent in 2011. In New Mexico this variable dropped from 33 percent in 2002 to less than 10 percent in 2011. Both New Mexico and Utah observed reductions in the percentage of uninsured motorists between 2007 and 2012. Quite contrary to this, Rhode Island has consistently been the state in New England with the highest percentage of uninsured motorists, and one of the top ten states with the highest rates nationally (Figure 2.1). Although New Mexico is also one state with a relatively high percentage of uninsured motorists, this has been declining throughout the years (Figure 2.2).

FIGURE 2.1: Uninsured Motorist Rates in New England



Source: Insurance Information Institute. <http://www.iii.org/fact-statistic/uninsured-motorists>.

FIGURE 2.2: Percentage of Uninsured Motorists: A Comparison

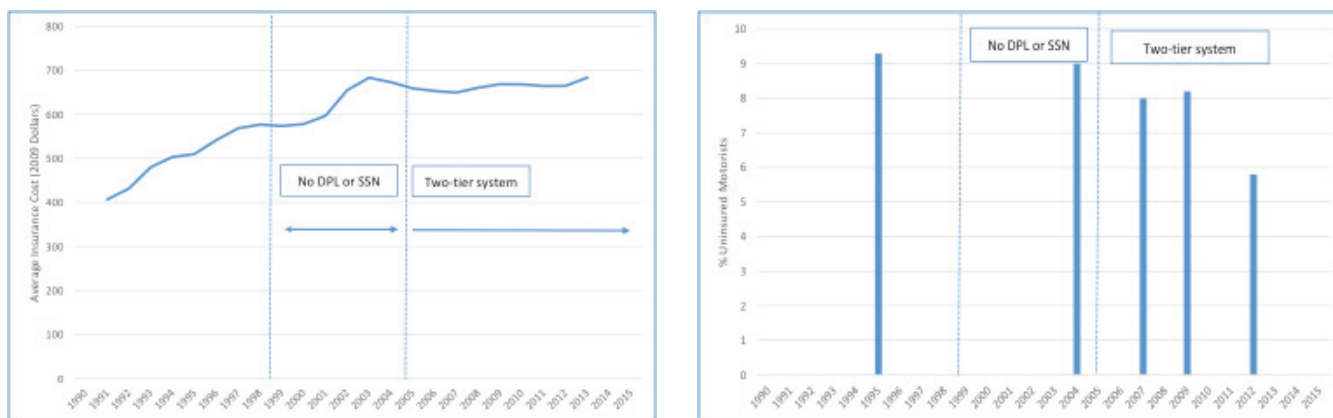


Source: Insurance Information Institute, based on Insurance Research Council. <http://www.iii.org/fact-statistic/uninsured-motorists>

From a different perspective, one can look at effects of issuing driver's licenses for undocumented immigrants on the average cost of auto insurance. In theory, having a driver's license increases the likelihood of having safer roads. It also increases the chances of having more drivers buying auto insurance, ultimately reducing auto insurance costs (Odegaard, 2008). Figure 2.3 shows the average costs of auto insurance and the percentage of uninsured drivers respectively since 1990 for the state of Utah.

In Figure 2.3 we observe that average auto insurance expenditures in Utah were relatively stable right after the SSN requirement was eliminated, followed by a large surge in 2002. The data also shows that after the two-tier system was created, average auto insurance expenditures have remained relatively stable. As to the percentage of uninsured drivers, Figure 2.3 shows important decreases after the SSN restriction was eliminated but even more pronounced after Driving Privilege Cards were issued.

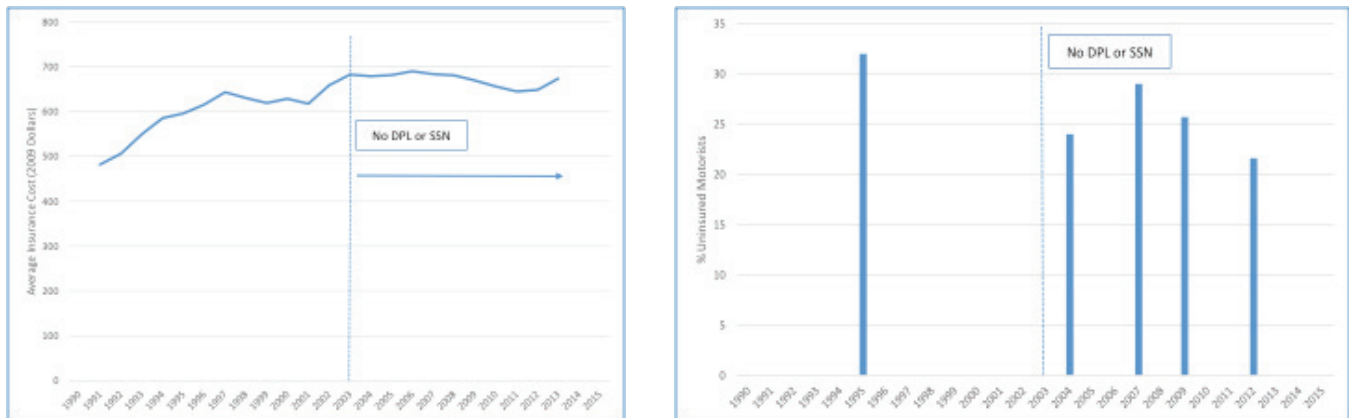
FIGURE 2.3: Average Auto Insurance Cost and Percentage of Uninsured Motorists in Utah



Source: Statistical Abstract of the United States (1991-1996 data). National Association of Insurance Commissioners (NAIC) (1997-2002 data). Insurance Information Institute (2003-2013 data). Documented Presence Laws and/or SSN requirement from Caceres and Jameson (2015) database. Khazzoom (2000), Insurance Research Council, and Insurance Information Institute. Note: Data was gathered from different secondary sources, but the primary source is NAIC.

Figure 2.4 shows that before New Mexico had its SSN exception, average insurance expenditures increased from \$482 in 1990 to \$682 in 2003. After that, average insurance costs have decreased. In addition, New Mexico's percentage of uninsured motorists has decreased 10 percentage points since the SSN exception was passed, from 32% in 1995 to near 22% in 2012.

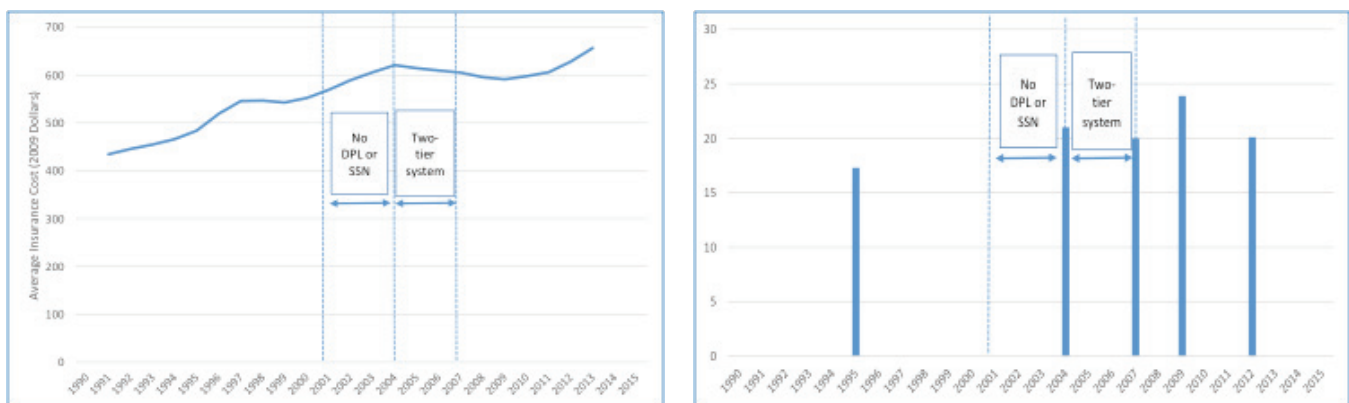
FIGURE 2.4: Average Auto Insurance Cost and Percentage of Uninsured Motorists in New Mexico



Source: Statistical Abstract of the United States (1991-1996 data). National Association of Insurance Commissioners (1997-2002 data). Insurance Information Institute (2003-2013 data). Documented Presence Laws and/or SSN requirement from Caceres and Jameson (2015) database. Khazzoom (2000), Insurance Research Council, and Insurance Information Institute. Note: Data was gathered from different secondary sources, but the primary source is NAIC.

In the case of Tennessee, Figure 2.5 shows that between 1990 and 2001 (before the SSN exception), average auto insurance expenditures increased 31%. Even with the SSN exception, between 2001 and 2004, there was an increase of 9%. Surprisingly, during the two-tier system (2004-2007) we observe a reduction of near 3%. Since 2007, there has been an increase of around 9%. In regards to the percentage of uninsured motorists, it is observed that in 1995 there were around 17% uninsured drivers. This figure went up to 21% in 2004. It could be that the SSN exception has no effect on the average auto insurance cost. Or, that there were other factors that counteracted the effect of the SSN exception. During the two-tier system the percentage of uninsured drivers decreased 1 percentage point. Since 2007 this figure has remained relatively stable.

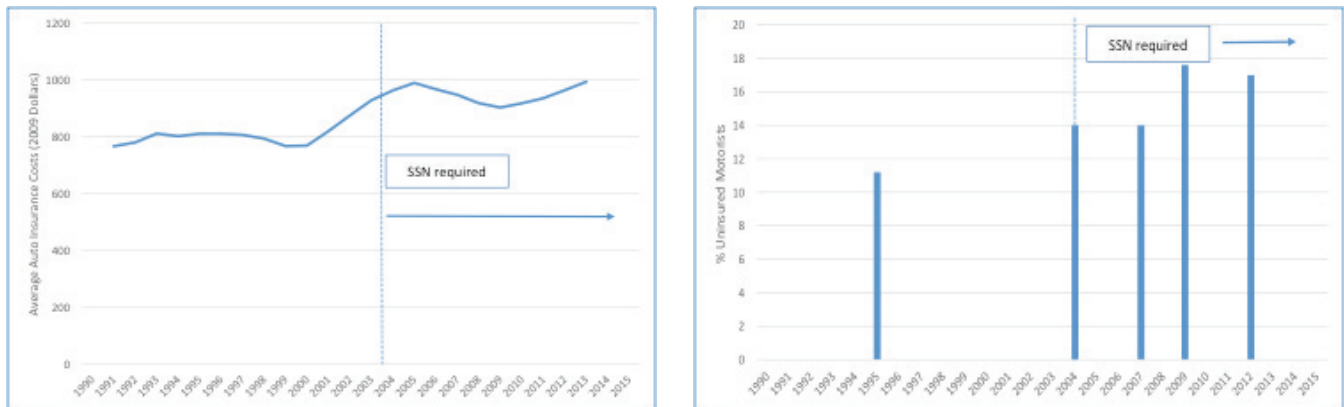
FIGURE 2.5: Average Auto Insurance Cost and Percentage of Uninsured Motorists in Tennessee



Source: Statistical Abstract of the United States (1991-1996 data). National Association of Insurance Commissioners (1997-2002 data). Insurance Information Institute (2003-2013 data). Documented Presence Laws and/or SSN requirement from Caceres and Jameson (2015) database. Khazzoom (2000), Insurance Research Council, and Insurance Information Institute. Note: Data was gathered from different secondary sources, but the primary source is NAIC.

Rhode Island has required all driver's license applicants to provide a valid SSN since 2004. Figure 2.6 shows that average auto insurance expenditures started increasing before this requirement. It kept increasing after and remains higher than it was in 2004. As to the percentage of uninsured motorists in Rhode Island, back in 1995 this number was around 11 percent. It went to 14 percent in 2004 and since then, this figure has been between 17 and 18 percent. As previously mentioned, one of the highest in the country.

FIGURE 2.6: Average Auto Insurance Cost and Percentage of Uninsured Motorists in Rhode Island



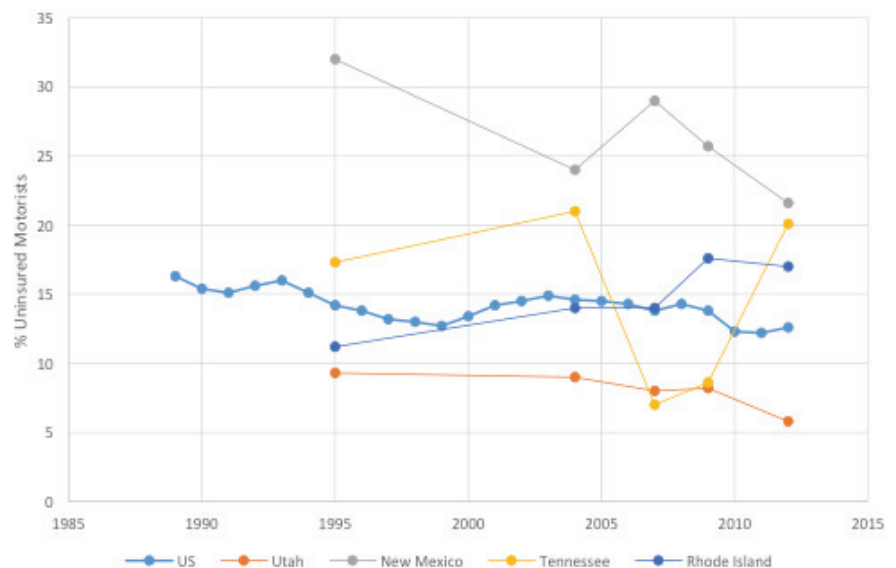
Source: Statistical Abstract of the United States (1991-1996 data). National Association of Insurance Commissioners (1997-2002 data). Insurance Information Institute (2003-2013 data). Documented Presence Laws and/or SSN requirement from Caceres and Jameson (2015) database. Khazzoom (2000), Insurance Research Council, and Insurance Information Institute. Note: Data was gathered from different secondary sources, but the primary source is NAIC.

This graphical analysis does not establish a causal relationship between a particular driver's license policy in place and the variables considered as proxies for auto insurance effects. They are part of a preliminary approach to more rigorous statistical techniques to evaluate any potential effects.

When comparing the percentage of uninsured motorists in each of these states with the national figures, it is observed that nationally the percentage of uninsured motorists has decreased since the late 1980s. Utah has been consistently below the national figures. New Mexico is above the national trends however, the uninsured rates have been on a constant decline. In the case of

Tennessee, we observe that the percentage of uninsured went below the national trend during the period when undocumented immigrants could obtain a driving document. The percentage went up and above the national level after the state eliminated this option. Finally, the uninsured motorists' rates in Rhode Island have increased and exceeded national trends since 2004, which coincides with the year Rhode Island formally started with the SSN requirement for driver's license applicants (Figure 2.7).

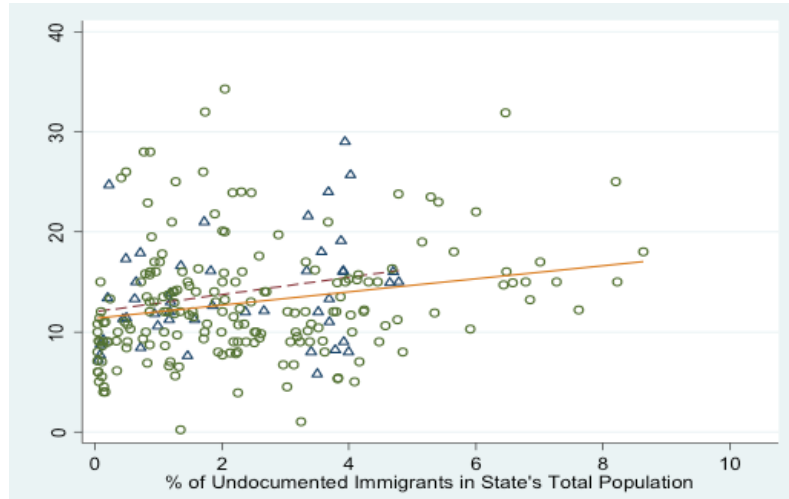
FIGURE 2.7: Percentage of Uninsured Motorists: States and National Trends



Source: Insurance Information Institute. The percentage of uninsured drivers is measured by the ratio of uninsured motorists (UM) claims to the bodily injury (BI) claims frequencies.

According to Cáceres and Jameson (2015), states can restrict unauthorized immigrants from obtaining a driver's license in two ways. They can either impose Documented Presence Laws (DPL) or they can require applicants to show a valid SSN. They surveyed all the states and the District of Columbia from 1990 to 2010 and created a database distinguishing states with or without these type of restrictions. We expanded their database to 2015 and looked at the relationship between the percentage of unauthorized immigrants and the percentage of uninsured drivers. Figure 2.8 shows that there is a positive relationship between these two variables. This means that the higher the percentage of unauthorized immigrants living in state, the higher the rate of uninsured motorists. Figure 2.8 also shows that there is a difference between states with restrictions (solid yellow line and green circles), and states without such restrictions (dashed red line and blue triangles). We also computed the correlation coefficient between these variables and considered the existence of restrictions. Again we found a positive relationship, but the correlation coefficient is only significant for states with restrictions. In other words, the percentage of uninsured drivers is consistently higher in states restricting undocumented immigrants from obtaining a driver's license (Table 2).

FIGURE 2.8: Percentage of Undocumented Immigrants versus Percentage of Uninsured Motorists



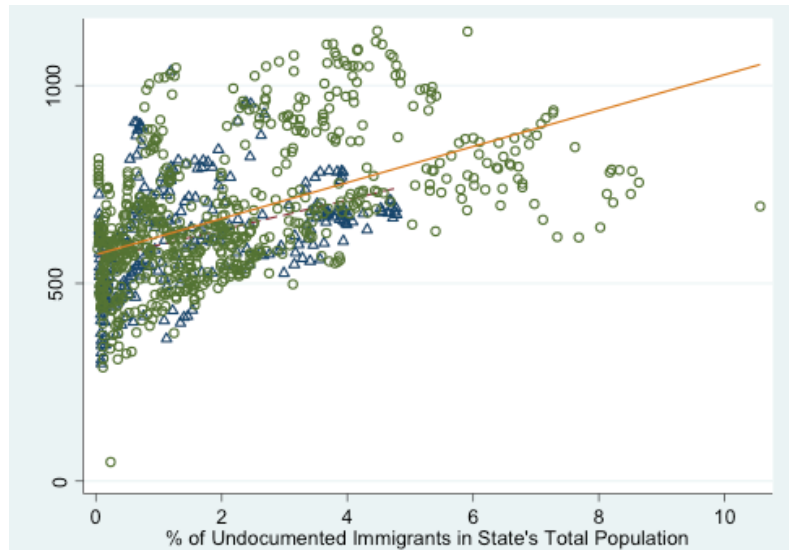
Source: Data of Uninsured Drivers come from Khazzoom (2000) and Insurance Information Institute. Data for Undocumented Immigrants come from Warren and Warren (2013) and Passel and Cohn (2015). Data on DPL or SSN requirements come from Cáceres and Jameson (2015) and own survey.

TABLE 2: Correlation Coefficients: % of Undocumented Immigrants and % of Uninsured Motorists

	States with Restrictions	States without Restrictions
Correlation	$\rho=0.22$	$\rho=0.2$
Significant at the 0.05 level	Yes	No

With regards to auto insurance expenditures, Figure 2.9 shows that average auto insurance costs are higher in states with restrictions for the undocumented than in those without restrictions. In this case, the correlation coefficients between the percentage of undocumented immigrants and the average auto insurance costs are 0.52 for states with restrictions and 0.39 for states without. In any case, the correlations are significant at the 0.05 level. We can also see that the regression lines are different.

FIGURE 2.9: Percentage of Undocumented Immigrants and Average Auto Insurance Costs



Note: Average auto insurance costs data come from Statistical Abstract (1991 to 2006) and Insurance Information Institute (2007 to 2013). Data for Undocumented Immigrants come from Warren and Warren (2013) and Passel and Cohn (2015). Data on DPL or SSN requirements come from Cáceres and Jameson (2015) and own survey.

In states without restrictions for undocumented immigrants:

$$\text{Real Insurance Expenditure}_{it} = 559.43^{***} + 38.01^{***} \text{ Percentage Undocumented Immigrants}_{it} + e_{it}$$

In states with restrictions for undocumented immigrants:

$$\text{Real Insurance Expenditure}_{it} = 572.78^{***} + 45.57^{***} \text{ Percentage Undocumented Immigrants}_{it} + e_{it}$$

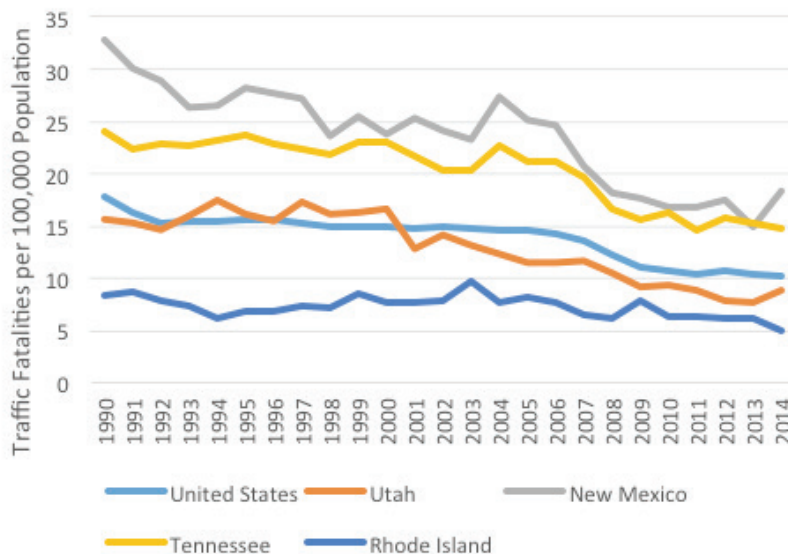
As shown, both the intercept and the slope are different and statistically significant. This confirms our previous findings.

III. PUBLIC SAFETY

From a public safety perspective, we look at the effects of having a driver's license on the number of traffic fatalities. To obtain a driver's license, applicants must demonstrate a minimum standard of knowledge on road safety and the ability to safely operate a motor vehicle.

Previous studies on this matter have compared traffic accidents by uninsured versus insured drivers. An analysis of traffic fatalities on the states that have allowed undocumented immigrants to obtain a driving document shows that they have followed a national trend (Figure 3.1): Rhode Island has experienced a similar trend. From 1990 to 2014 there has been a decline on these figures. From this graphical analysis, it is hard to infer any policy impact on traffic fatalities.

FIGURE 3.1: Traffic Fatalities per 100,000 Population



Source: U.S. Department of Transportation. Federal Highway Administration. Policy and Governmental Affairs. Office of Highway Policy Information. Highway Statistics 2014. Conditions and Safety. Summary of persons fatally injured in motor vehicle crashes, by Functional system. <https://www.fhwa.dot.gov/policyinformation/statistics/2014/>

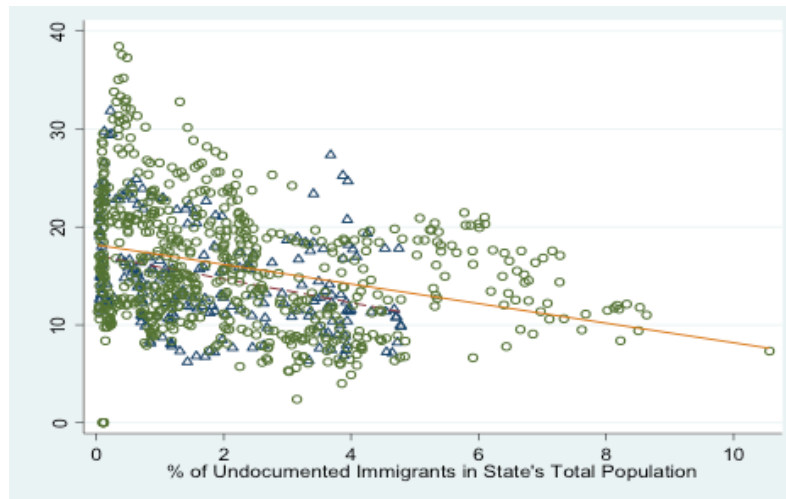
However, when we compare traffic fatalities in all states, with and without restrictions for driver's license applicants, we found that larger percentages of undocumented immigrants are associated with lower traffic fatalities. What is even more revealing is that states that have allowed undocumented immigrants to apply for a driving document have on average less traffic fatalities than states requiring either documented legal presence or a valid SSN.

Figure 3.2 shows the findings previously described. Just as before, the blue triangles are states at different points in time that have issued different forms of driving documents for undocumented immigrants. The green circles represent states in different times that have a documented presence law or SSN requirements for driver's license applicants. Figure 3.2 also shows two

regression lines for each group of states. The solid yellow line refers to the states with restrictions and the dashed red line is for the states without such restrictions.

The equations for each line depicted in Figure 3.2 shows that both the intercept and the slope are different and significant for each group, which confirm our findings:

FIGURE 3.2: Percentage of Undocumented Immigrants and Traffic Fatalities



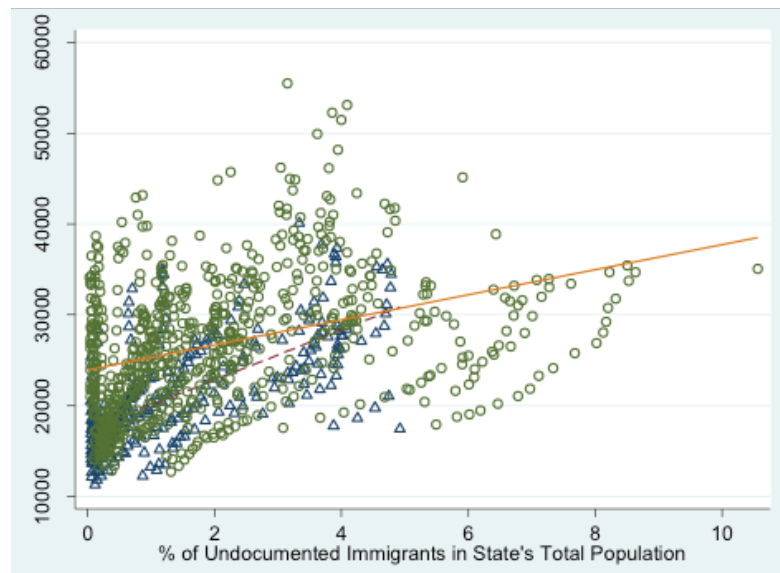
Note: Data on Traffic Fatalities come from the U.S. Department of Transportation, Federal Highway Administration, Policy and Governmental Affairs, Office of Highway Policy Information, <https://www.fhwa.dot.gov/policyinformation/statistics/2014/fi220.cfm>. Highway Statistics 2014. Data for Undocumented Immigrants come from Warren and Warren (2013) and Passel and Cohn (2015). Data on DPL or SSN requirements come from Cáceres and Jameson (2015) and own survey.

IV. STATE'S ECONOMY

In order to assess the potential effects of granting some form of driver's license to undocumented immigrants, we looked at three different aspects: income, poverty, and tax contributions. Similar to before, we compare states that have issued or are currently issuing driving documents for undocumented immigrants versus states that require proof of legal presence. We looked at the scatter diagrams and ran univariate regressions to evaluate the significance of the relationships. The period of analysis is 1990 to 2015. The findings represent general approximations and do not imply causality. Further analysis is required in order to include and/or discard potential intervening factors.

Figure 4.1 shows the relationship between the percentage of undocumented immigrants and the per capita disposable personal income. The scatter diagram shows a positive relationship between these two variables. This means that on average, increasing percentages of undocumented immigrants are associated with higher levels of per capita disposable personal income. However, when we compare the slopes of the two regression lines, we observe that on average, in states that have issued driving

FIGURE 4.1: Percentage of Undocumented Immigrants and Per Capita Disposable Personal Income



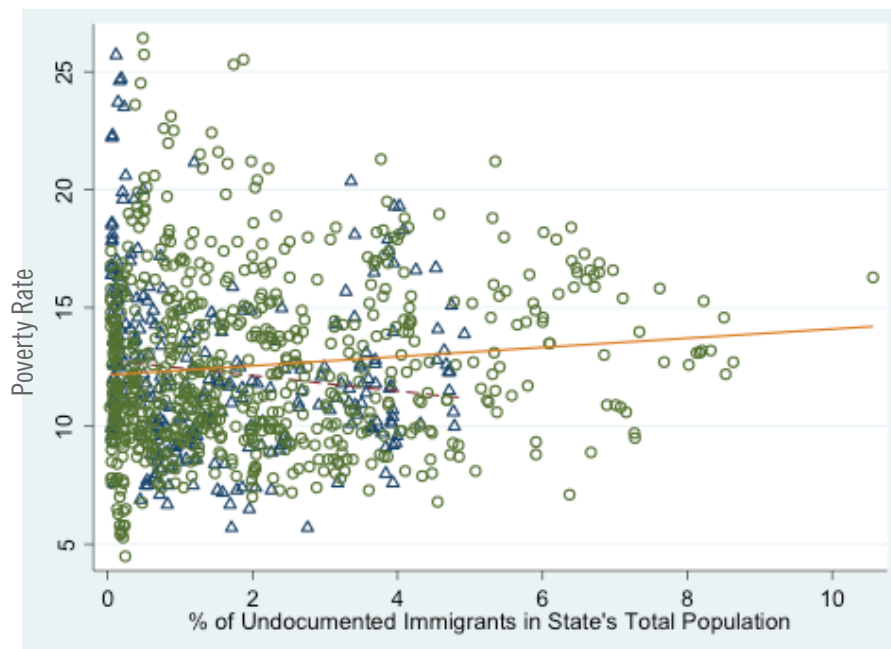
Note: Data on Per Capital Disposable Personal Income comes from Bureau of Economic Analysis, Department of Commerce. <http://www.bea.gov/iTable/iTable.cfm?reqid=70#>. Income data was deflated using the US personal consumption expenditures (PCE) price index. The US PCE Price Index uses 2009 as the reference year, and it is 1.073. Data for Undocumented Immigrants come from Warren and Warren (2013) and Passel and Cohn (2015). Data on DPL or SSN requirements come from Cáceres and Jameson (2015) and own survey.

documents (dashed red line), the per capita disposable personal income grows faster than in states with restrictions. Both the intercept and the slope of these regression lines are statistically significant.

States without restrictions	$\text{Personal Income}_{it} = 17302.93^{***} + 2759.60^{***} \text{Percentage Undocumented Immigrants}_{it} + e_{it}$
States with restrictions	$\text{Personal Income}_{it} = 23944.72^{***} + 1379.39^{***} \text{Percentage Undocumented Immigrants}_{it} + e_{it}$

In the case of poverty, we found that on average poverty is higher among states without restrictions than in the states with restrictions. Overall poverty tends to go down in states and years without restrictions and goes up in states and years with restrictions (Figure 4.2).

FIGURE 4.2: Percentage of Undocumented Immigrants and Poverty Rate



Note: Poverty rates come from Bureau of the Census, Current Population Survey, Annual Social and Economic Supplements. <https://www.census.gov/hhes/www/poverty/data/historical/people.html>. Data for Undocumented Immigrants come from Warren and Warren (2013) and Passel and Cohn (2015). Data on DPL or SSN requirements come from Cáceres and Jameson (2015) and own survey.

States without restrictions	$\text{Personal Income}_{it} = 12.79^{***} - 0.32^{***} \text{Percentage Undocumented Immigrants}_{it} + e_{it}$
States with restrictions	$\text{Personal Income}_{it} = 12.17^{***} + 0.19^{***} \text{Percentage Undocumented Immigrants}_{it} + e_{it}$

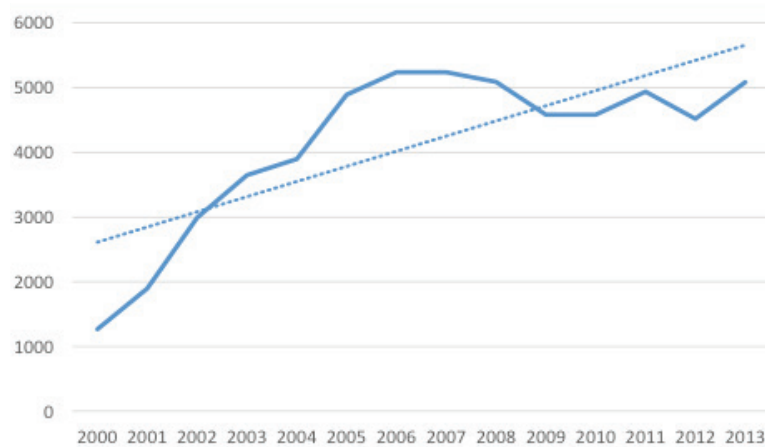
One common misunderstanding about immigrants in general and the undocumented in particular, is that they represent a social cost because they have access to government programs and do not pay taxes. In reality, this is one of the many myths about immigrants because government programs target citizens which makes immigrants ineligible, even though immigrants do pay taxes (Center for Study of Race and Ethnicity in America, 2009). Therefore, from a public policy perspective, it becomes relevant to determine how many of the undocumented are contributing to the state's economy through taxes. One way to determine this is by looking at the number of people who have filed tax returns using an Individual Taxpayer Identification Number (ITIN). The federal government has allowed undocumented immigrants to do so since 1996. However, the IRS only has data publicly available from 2000 to 2013.

It is important to understand that the number of ITIN filers is simply a good proxy of the number of undocumented immigrants filing tax returns. Not all of the ITIN filers are undocumented immigrants, and not all undocumented immigrants file tax returns; among those who do, some of them might use an invalid SSN.

According to Hill and Johnson (2011), undocumented immigrants have different reasons to file tax returns. First, they might be eligible for tax refunds if their employers withheld their taxes. Second, in case they become legal permanent residents, they can link their SSN to previous earnings and receive more benefits in the future. Finally, they might want to establish a positive record in case other benefits are extended to them, or if Congress passes a comprehensive immigration reform.

We had access to federal individual income tax filers through The Brookings Institution. We found that after Massachusetts and Connecticut, Rhode Island is the third New England state with the largest number of tax returns filed with ITINs (Figure 4.3). The trend is similar to that of the total number of undocumented immigrants in Rhode Island shown in Figure 1.1. On average we can see that there has been a positive trend.

FIGURE 4.3: Total Number of Returns Filed with ITINs: Rhode Island

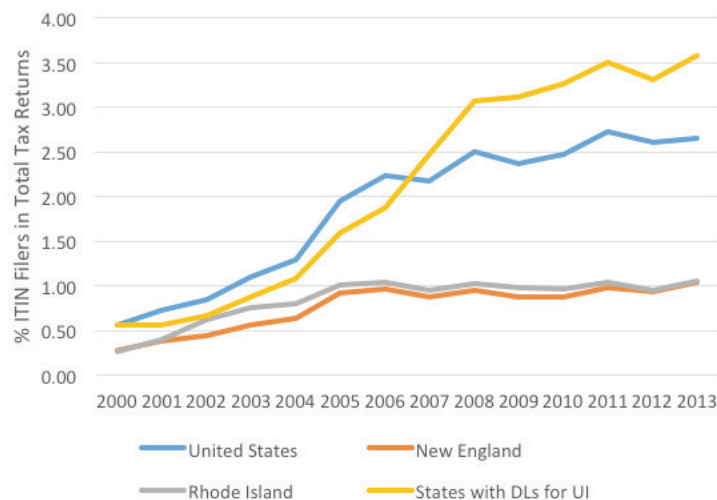


Source: Brookings EITC Interactive.

Based on data from the Rhode Island Department of Revenue, the average annual Adjusted Gross Income (AGI) related to people filing tax returns with an ITIN between 2012 and 2014 was \$70,087,706. Their average contribution to the state's economy via taxes during the same period is \$708,938 per year. This of course, does not include the contributions of those who file tax returns with invalid SSNs. According to a study by The Institute on Taxation and Economic Policy (ITEP), undocumented immigrants living in Rhode Island currently pay \$33,438,000 in state and local taxes (Gee, Gardner and Wiehe, 2016).

With respect to the total number of tax returns filed every year, the proportion of ITIN filers in Rhode Island went from less than 0.3 percent in 2000, to more than 1 percent in 2013. Rhode Island figures have been below the national figures but slightly higher than the New England region. Note that the gap between the national figures and Rhode Island has been widening. However, the states not restricting undocumented immigrants to obtain a driving document passed the national levels in 2007. It is interesting to observe that the percentage of ITIN filers in states without restrictions has been growing at a faster rate than the national trend (Figure 4.4).

FIGURE 4.4: Percentage of ITIN Filers in Total Tax Returns: New England



Source: Brookings EITC Interactive.

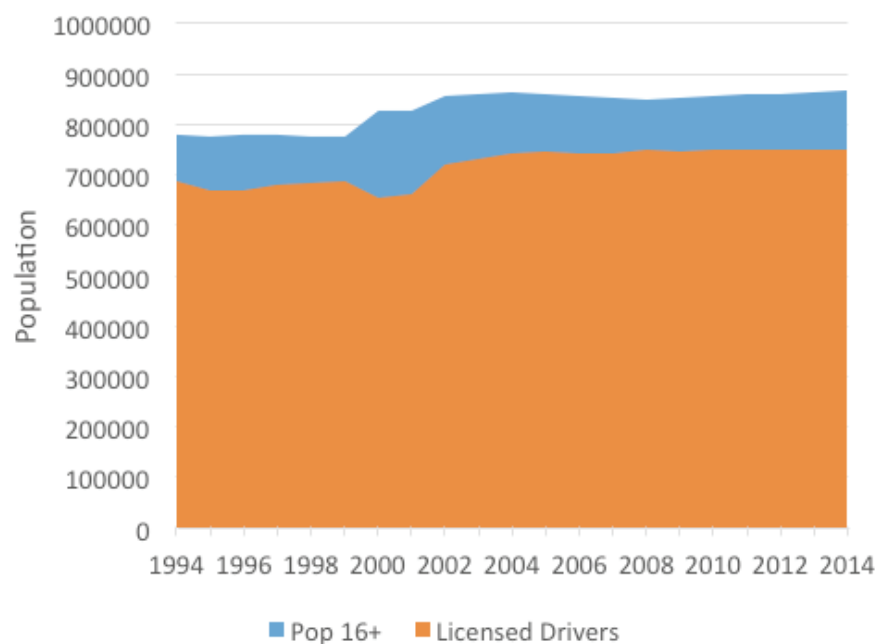
V. IMPACT ON RHODE ISLAND'S FISCAL REVENUE

This section includes an analysis of the potential demand for driving documents for undocumented immigrants. We present three different scenarios for the number of potential applicants based on other states experiences. Within each scenario we estimate potential revenue for the Rhode Island Division of Motor Vehicles.

Estimates on state revenues should consider several factors: the eligible population, scope of implementation (including years and percentages of eligible population per year), the license fee, and length of validity.

In regards to the eligible population, data from the U.S. Department of Transportation and the Office of Highway Policy Information, shows that the number of licensed drivers in Rhode Island has remained relatively constant in the last five years. Figure 5.1 shows a major increase in the early 2000s (orange area) but after that it seems that it reached a steady state. The graph also shows the figures for the driving age population, which includes individuals 16 years or older (blue area). The fact that the blue area is higher than the orange implies not only that the driving age population in the state is higher than the number of people with a driver's license, but also that there is an important percentage of the driving age population represented by the difference between the areas that remains unlicensed. Every year, around 14 percent of the driving age population do not have a driver's license. There are many potential reasons behind these findings. For instance, some people rely on public transportation, others might commute using their bicycles, others might be impaired to drive, and others might be unable to obtain one because they lack the means or cannot comply with the documentation required.

FIGURE 5.1: Driving Age Population and Licensed Drivers: Rhode Island



Source: U.S. Department of Transportation. Office of Highway Policy Information. Highway Statistics (different years) <https://www.fhwa.dot.gov/policyinformation/statistics.cfm>

Rhode Island has had an annual average of 116,000 people who are 16 years or older but do not have a driver's license. It is beyond the scope of this study to determine exactly how many of them are undocumented immigrants, how many are impaired to drive, or how many have chosen not to drive and use public transportation. We know that according to Pew Research Center estimates, in 2012 there were around 25,000 undocumented immigrants in the state's total labor force (Passel, Cohn and Rohal, 2015).

An analysis of the states experiences that are currently issuing driving documents for undocumented immigrants reveals a lack of specific methodology that could be shared and adjusted to each state's context. What we found instead was a great deal of variation in the approaches followed by each jurisdiction. For instance, California, for obvious reasons, has the most comprehensive program for the provision of driver's licenses to undocumented immigrants. They projected 1,400,000 applicants over a period of three years, between January 2015 and January 2018. As of January 2016, they had issued 605,000 driver's licenses to undocumented immigrants. Their relative success is explained by the expansion of their DMV's capacity, while they have also allocated resources into a broad education and outreach campaign.

However, there are cases like Vermont where estimates of potential applicants fell way below the effective demand. Vermont began issuing driver's licenses for undocumented immigrants in January 2014. They estimated that there would be 1,500 applicants in total. By October 2015 they had issued more than 53,000 alternative driver's licenses. Other states like Hawaii, did not even have an estimate of the eligible population. Both Vermont and Hawaii are expected to comply with the REAL ID requirements, which means that they have two-tier systems in place, just like most of the states currently issuing driving documents to undocumented immigrants. New Mexico and Washington State have followed until now a more inclusive approach and make no distinctions based on the applicant's migration status. All individuals in these two states can obtain a standard driver's license.

In the particular case of New England, besides Vermont, Connecticut began issuing driver's licenses in January 2015. According to the Connecticut Office of Fiscal Analysis, around 54,000 drive only licenses, as they call it, would be issued over the next three years (Connecticut Office of Fiscal Analysis, 2013). However, Connecticut's Department of Motor Vehicles was expecting as many as 250,000 (The Pew Charitable Trusts, Deciding Who Drives: State choices surrounding unauthorized immigrants and driver's licenses, 2015 A). As some other states have, and considering that it is unlikely to see all of the potential applicants showing up at once, Connecticut followed the three-year implementation approach as part of their estimates: 55%, 30%, and 15% in the first, second, and third year.

The state of Massachusetts currently has a SSN requirement, but since January 2013, the State Legislature has made attempts to pass legislation to eliminate this requirement. The most current attempt is Bill H. 2985, also known as Safe Driving Bill, which was presented at the State House in January 2015. An excerpt from the text reads:

"Nothing in this section shall permit the registrar to deny a license to operate motor vehicles or learner's permit application based on a failure by a Massachusetts resident ineligible for a social security number to provide a social security number or evidence of immigration status." (House of Representatives of the Commonwealth of Massachusetts, 2015).

TABLE 5.1: Driving Age Population and Licensed Drivers: Rhode Island

Jurisdiction	Date it Began Issuing Licenses	State's Estimates of the Number of Applicants	Over # of Years	Licenses Issued as of October 2015	Estimates of Total Undocumented Immigrants	% of Applicants of Total Undocumented	State Return with ITIN in 2013
California	2-Jan-15	1,400,00	3	513,00	2,450,000	57	1,021,293
Colorado	7-Aug-14	77,539	3	13,933	180,000	43	67,912
Connecticut	1-Jan-15	54,000	3	1,039	130,000	42	29,299
Hawaii	30-Jun-15	N/A			35,000		2,014
Illinois	28-Nov-13	250,000-1,000,000		155,258	475,000	53	216,195
Maryland	2-Jan-14	230,000	5	128,130	250,00	92	90,520
Nevada	2-Jan-14	60,000		29,032	210,000	29	66,798
Vermont	2-Jan-14	1,500		53,204	<5,000		118

Although there is no specific methodology to determine the eligible population, we found certain patterns that could be used to create different scenarios to estimate the impact on state revenues. Most states have estimated an eligible population that is 40 to 50 percent of their total estimates of the undocumented population. We also found that for some states, the eligible population is close to the number of tax returns using an ITIN (Table 5.1). Based on these findings, there are three possible scenarios.

First, Pew Research Center estimated that the number of undocumented immigrants in Rhode Island’s labor force was approximately 25,000; using a 45 percent rate as an approximation for the potential number of applicants, we could expect 11,250 applicants under the first scenario. Second, using data from The Brookings Institution, in 2013 there were 5,086 cases of tax returns with ITINs. For the third scenario, according to the Rhode Island Department of Revenue, in 2014 there were 3,034 cases of tax returns with ITINS.

The second factor to be considered is the fee. Most states are charging the same fee as for their regular driver’s license. But this decision depends on several factors: current DMV’s capacity (personnel, equipment, etc.), budget increases to invest in new technology and personnel to catch up with an increasing number of applicants, and length of validity among other things. In Rhode Island, a new applicant driver’s license costs \$71.50. This includes permit (\$6.50), road exam (\$26.50), and first license fee (\$38.50).

Also important, states with more recent experiences on this matter show that the implementation of a new driver’s license system takes time. Effective implementations include specific periods of time, usually 3 years; as well as estimates of percentages of the eligible population who are likely to apply. Again, these percentages are affected by different factors such as, increasing pressure from advocate groups that might speak on behalf of a large number of potential applicants; or an effective outreach campaign that focuses on the benefits of having a driving document and also dissipates the myths about it, i.e. that an alternative driver’s license would open a path for citizenship, or that the Department of Homeland Security will have access to their information and there would be more deportations, etc.

Based on these considerations, the fiscal revenue that Rhode Island’s Division of Motor Vehicles could expect is explained in Figure 5.2. The total eligible population will be determined by the state’s decision on the requirements applicants need to comply with. Although we have previously presented three possible scenarios, the outcome will be determined by the regulatory framework adopted by the state.

FIGURE 5.2: Factors Affecting RIDMV’s Fiscal Revenue

$$\boxed{\text{RIDMV's Fiscal Revenue}} = \boxed{\text{Total Eligible Population}} \times \boxed{\text{\% Applicants Year}_n} \times \boxed{\text{Fee}}$$

Also important, the percentage of applicants could vary each year. If the state decides to follow a three-year implementation strategy, there are two approaches. On the one hand, the state may consider a large number of applicants during the first year, followed by lower percentages in the two subsequent years. We call this a declining-demand approach, and is what Connecticut and Washington D.C. has followed. On the other hand, it is possible that some of the applicants prefer to wait and learn about the policy. So, a percentage of the total eligible population might apply the first year, followed by a larger percentage in the second year, which levels off in the third year. We call this a spiky-demand approach, and this is what the state of California implemented. Which approach is better and what percentages the RIDMV should expect are beyond the scope of this study.

Table 5.2 shows estimates for the potential revenue considering the factors depicted in Figure 5.2 assuming hypothetical percentages of applicants each year. We are also assuming that the fee would remain the same. The state should expect on-going revenue from renewals which will be determined by the length of validity adopted for alternative driver's licenses.²³

TABLE 5.2: Estimates of Fiscal Revenue, RIDMV

Scenario	Eligible Population	Approach (% per year)	Scope of Implementation			Fee	Estimated Revenue			
			Year 1	Year 2	Year 3		Year 1	Year 2	Year 3	Total
Broader	11,250	Declining: 50%, 35%, 15%	5,625	3,938	1,688	\$ 71.50	\$ 402,187.50	\$ 281,531.25	\$ 120,656.25	\$804,375.00
		Spiky: 35%, 50%, 15%	3,938	5,625	1,688		\$ 281,531.25	\$ 402,187.50	\$ 120,656.25	
Moderate	5,086	Declining: 50%, 35%, 15%	2,543	1,780	763		\$ 181,824.50	\$ 127,277.15	\$ 54,547.35	\$363,649.00
		Spiky: 35%, 50%, 15%	1,780	2,543	763		\$ 127,277.15	\$ 181,824.50	\$ 54,547.35	
Restrictive	3,034	Declining: 50%, 35%, 15%	1,517	1,062	455		\$108,465.50	\$ 75,925.85	\$ 32,539.65	\$216,931.00
		Spiky: 35%, 50%, 15%	1,062	1,517	455		\$75,925.85	\$ 108,465.50	\$ 32,539.65	

The first column of Table 5.2, refers to each of the three possible scenarios. The first one is called the “broader” scenario, because it refers to 45% of the total number of undocumented immigrants in Rhode Island’s labor force without considering whether they have an ITIN. The second one is called the “moderate” scenario because it is based on the IRS figures of the number of cases that filed tax returns in 2013. The third scenario is called the “restrictive” scenario because it is based on more stringent definitions of ITIN validity according to the Rhode Island Department of Revenue. The second column refers to the total eligible population for each of these scenarios. The third column refers to the approach followed by the state, assuming a three-year implementation strategy. The next three columns show estimates of the number of applicants each year based on the hypothetical percentages for each approach. The fee is assumed to be the same as for standard driver’s licenses. Then there are revenue estimates for the three years of implementation. The numbers vary based on the approach (declining or spiky) and the percentages for each year. Finally, the last column shows the total expected revenue during the implementation period.

VI. POLICY RECOMMENDATIONS

The following is a list of policy recommendations that resulted from the presented analysis. More than a policy prescription, this is information that could be useful to policy makers in order to forge the discussion on this complex issue.

- In regards to the policy scope, it is important to consider that data about undocumented immigrants are based on estimates. Although the data comes from reliable sources, further research would be needed to develop a precise number of undocumented immigrants in Rhode Island.
- Issuing driver’s licenses to undocumented Rhode Islanders will lead to safer roads and potentially better economic opportunities.

- The effective costs and revenues will be determined by the combination of fees and length of validity of the new driving document set by the Rhode Island Division of Motor Vehicles.
- A clear list of requirements and eligibility criteria are key elements for an effective implementation of the policy.
- An outreach and education campaign would contribute to a successful implementation of the policy. On the one hand, it would educate the Rhode Islanders by forging a discussion about the pros and cons of granting undocumented immigrants an alternative form of a driver's license. On the other hand, it may dissipate fear and hesitation among the undocumented which would translate into a larger number of applicants.

NOTES

- ¹ *New State Ice Co. v. Liebmann* nn, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting).
- ² By lawful presence we mean that either a law was passed by the state legislatures or the state requires a valid Social Security Number (SSN).
- ³ In the case of Rhode Island, based on Caceres and Jameson (2015) we were unable to verify any documented presence requirement for between 1990 and 2012. However, since 2004 a valid SSN is required in order to get a driver license.
- ⁴ This situation might change soon, since the Department of Homeland Security granted New Mexico an extension to comply with the REAL ID Act by October 2016, <https://www.dhs.gov/current-status-states-territories>. Accessed March/22/2016.
- ⁵ Considering a standard error of +/- 2 percent.
- ⁶ These data come from the respective State's Department of Motor Vehicles. More recent data from the Insurance Research Council reveals a similar story.
- ⁷ We have controlled for inflation and have used 2009 as the base.
- ⁸ We controlled for inflation and use 2009 as the base year.
- ⁹ This is given by the intercept of each regression.
- ¹⁰ This is shown by the slope coefficient of each equation.
- ¹¹ The impact of the undocumented on Rhode Island's economy and the additional effects of issuing driver's licenses for them is also discussed in this study.
- ¹² An ITIN is a limited version of the SSN. An ITIN does not establish employment authorization. Besides, an ITIN holder is not eligible for Earned Income Tax Credit (EITC) or other federal benefits.
- ¹³ The Brookings Institution has data available online from 2011 to 2013. Access to data for previous years is available upon request.
- ¹⁴ The Rhode Island Department of Revenue distinguishes ITIN filers based on an ITIN validity criteria provided by the IRS. According to this criteria, most ITIN filers do not have a valid ITIN which might prevent them from receiving their tax returns. This is a situation similar to those who file tax returns with invalid SSNs.
- ¹⁵ The report also includes details on the state and local tax contributions: \$18,286,000 in sales and excise taxes, \$4,081,000 in personal income taxes, and \$11,071,000 in property taxes.
- ¹⁶ The Pew Charitable Trusts (The Pew Charitable Trusts 2015). We contacted them to know more about the discrepancies. We were informed that they had already found this and contacted the Vermont's Department of Motor Vehicles. According to the latter, the driver's privilege card, as they call it in Vermont, is available not only to undocumented immigrants, but to anyone, which also includes Vermont residents, U.S. citizens, U.S. Nationals, or permanent resident aliens. The Pew Charitable Trusts also explained that more stringent REAL ID requirements may have induced some standard driver's license applicants to opt for the alternative since they did not have all of the documentation required (Hunter 2016).
- ¹⁷ According to the Department of Homeland Security, New Mexico has been granted an extension to comply with the REAL ID Act by October of 2016. However, Washington State is noncompliant without extensions.
- ¹⁸ There is no clear methodology behind the estimates.
- ¹⁹ The same report estimated that the total population of undocumented immigrants living in Rhode Island in 2012 was 35,000. Estimates from Warren and Warren (2013) are pretty close.
- ²⁰ Marylin Shannon McConaghy, Head of Legal Services, Rhode Island Department of Revenue, email to author, March 17, 2016.
- ²¹ Only the state of Colorado charges more than twice their regular driver's license. A regular driver's license costs \$21 while the alternative license is \$50.50.
- ²² The fees apply to individuals who are 18 years or older. The fee for applicants under 18 years is slightly higher: \$76.50.
- ²³ The length of validity can be determined by working in conjunction with embassies, consulates, and the ministries of foreign affairs of different countries.

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