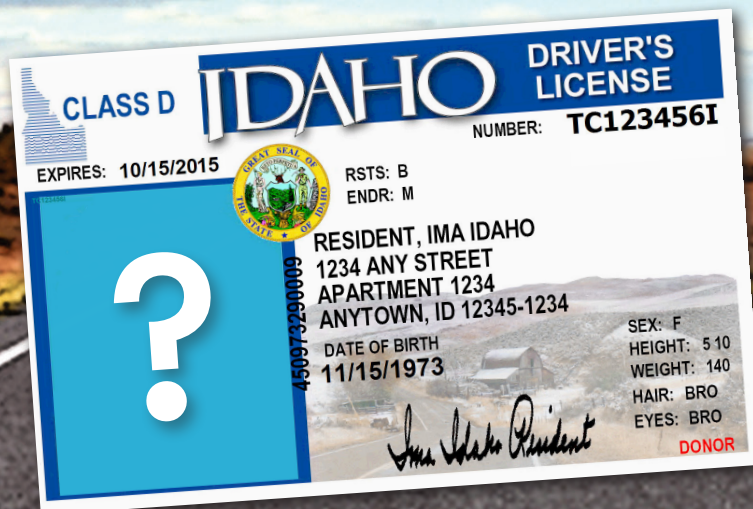


FEBRUARY 2015

THE ROAD TO PROSPERITY



**GIVING IDAHO'S IMMIGRANTS THE CHANCE
TO APPLY FOR DRIVER'S LICENSES CULTIVATES
A FUTURE OF SHARED OPPORTUNITY AND SUCCESS,
TO THE BENEFIT OF ALL IDAHOANS.**



ACKNOWLEDGMENTS

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INTRODUCTION

Idaho proudly boasts of its rural environment. Being a mountainous region, the Gem State is known for its widely dispersed, quaint towns, where neighbors are friendly and take the time to know the community needs of each member. Idahoans hold a deep sense of commitment to the value that every individual plays a much-needed role in pushing the state forward. There are no strangers to hard work — in fact, it's part of Idaho's charm.

The ability to ensure that all residents are able to make valued working contributions is hindered, however, under Idaho's existing driver's licensing laws. Currently, the law conditions eligibility for a driver's license on federal immigration status. This prevents an estimated 95,000 immigrants from getting licenses, from registering their cars, and from becoming insured.¹

In remote areas throughout Idaho, driving presents more than a privilege; sparse public transportation even in the state's densely populated places makes driving an increasing necessity. Regardless of citizenship status, Idahoans need to drive to get to the grocery store, take their children to school and after-school activities, or go to work.

The time is now to restore fairness to all drivers. Idaho must and can do better. In moving the state forward, all residents must commit to contributing toward Idaho's growth. Allowing undocumented immigrants to obtain their driver's licenses ensures that everyone is able to do their part.

IMMIGRANTS ARE KEY TO IDAHO'S SUCCESS

Thousands of Idahoans are immigrants. Idaho is home to an estimated 95,000 immigrants.² Immigrants come to Idaho from all over the world — from places such as India, Mexico, Canada, Afghanistan, Russia, Japan,

Germany, Bosnia, and many other countries.³ They come for the same reasons that brought the ancestors of Idaho's U.S.-born residents — to earn a living, join family members, flee persecution, and build better lives. Making the journey to Idaho and establishing a new life is often difficult, traumatic, and even life-threatening.

Idaho industry and consumers continue to prosper from the work of immigrants — and Idaho's economy depends on immigrants' labor. Idaho agriculture has long reaped the rewards of immigrant labor. Of the 8,300 dairy farm workers alone, more than 90 percent are noncitizens.⁴ Moreover, according to the U.S. Department of Labor, Idaho employers were granted certifications to bring in 1,253 workers on H-2B visas in fiscal year 2011. These visas, often used to staff places like amusement parks, hotels, or landscaping services during peak seasons, spur economic growth by allowing the participating companies to take on more workers.⁵ A study by the Partnership for a New American Economy and the American

Enterprise Institute found that, for every 100 H-2B visa workers, 464 jobs are created or preserved for American-born workers. In Idaho, that means the 1,253 visas authorized in FY 2011 supported more than 5,800 American jobs across the broader economy.⁶

Immigrants are revitalizing Idaho. Immigrants play an important role in revitalizing communities that would decline or disappear without them. Across the country, rural communities are particularly threatened. In many Idaho towns, small, independently owned businesses depend on their immigrant customers to survive.

IDAHO'S FAMILIES ARE TRAPPED IN FEDERAL RED TAPE

Thousands of Idaho immigrants who want to become citizens are denied legal status. Federal immigration law makes it extremely difficult for immigrants to become lawful, permanent residents (green card-holders) and, eventually, citizens. Immigrants generally have to sit on a visa waiting list of anywhere between five and 20 years to get formal permission to join family members living in the United States. In other cases, federal law provides no way for immigrants to get legal status, even though immigrants are working, raising families, and paying taxes in the U.S. — and creating prosperity for business owners and consumers. This has left between 25,000 and 50,000 Idaho immigrants without an opportunity to apply for and receive legal status and citizenship.

MAKING IDAHO'S DRIVER'S LICENSE LAW WORK FOR ALL

Thousands of immigrants are unfairly denied driver's licenses. Idaho law now results in thousands of Idaho residents who are immigrants, both documented and undocumented, being denied driver's licenses. Current law requires applicants who do not have a Social Security number to provide proof of lawful presence in the United States. This means that the estimated 95,000 immigrants denied the opportunity to seek immigration status cannot obtain an Idaho driver's license. This policy is out of line with the reality of Idaho's workforce and places immigrants — upon whom Idaho employers and consumers depend — in jeopardy.

Idaho's driver's license policy hurts Idaho's Latino community. Nearly 12 percent of Idaho's population was Latino as of the year 2012,⁷ and, in Minidoka County, Latinos accounted for more than 33 percent of the population.⁸ Idaho's Latino community includes U.S. citizens, lawful permanent residents, and people of all immigration statuses, including undocumented immigrants who have been denied the opportunity to get legal status and citizenship. As parents, spouses, sons, and daughters, undocumented workers are crucial members of the families that form Idaho's growing and vibrant Latino community. And policies that hurt undocumented people have a ripple effect that is felt by children, other family members, and the community as a whole.

The impacts of the policy can be seen throughout the community, as the following individual examples illustrate.

REBECCA DE LEON: CALDWELL, ID

My fiancé and I dated for a few years before getting engaged. Our relationship has had its ups and downs, but ultimately, it was his compassion, kindness, and dedication that got me to say yes when he shakily offered me a diamond ring.

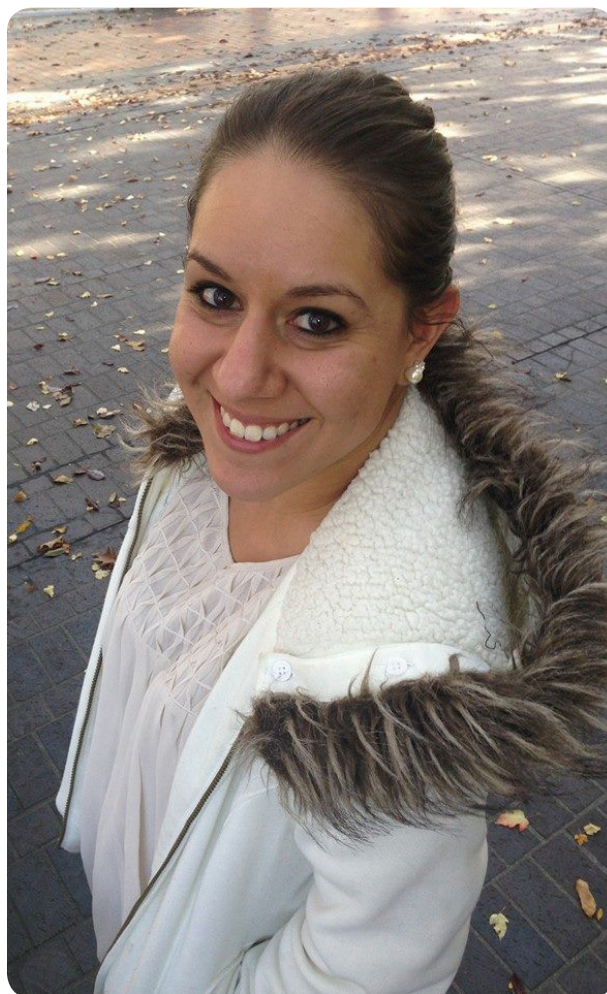
But just a few months after that, my happy ending was threatened as my fiancé and I drove to a family member's house late at night on New Year's Eve. Neither of us had been drinking, carefully planning ahead so we would only have drinks at our final destination for the night. My fiancé was driving because I don't like to drive.

As expected, there were many police officers patrolling the streets that night, looking for any reason to pull a vehicle over in their search of drunken drivers. We were pulled over because my fiancé didn't have his signal light on long enough to switch lanes.

After collecting my fiancé's Washington state-issued driver's license, insurance, and registration, the police officer returned to his patrol vehicle. The longer the officer took, the more the tension grew in our car. In the years I had known my fiancé, I had never seen this side of him. Normally mild-mannered, happy, and thoughtful, he had become shaky with fear and indignation. He said he was sure we were waiting for immigration officials to arrive.

After 20 minutes, the police officer approached our car again and began asking many questions about where my fiancé lived and where he was from. As my fiancé mumbled nervous answers, we knew that the officer knew my fiancé's situation. I felt helpless as he continued to drill my fiancé with piercing questions, clearly in a foul mood. I wanted to tell the policeman that like him, we only wanted to spend time with our family that night.

The policeman eventually told us he would only "mercifully" give my fiancé a misdemeanor



for lack of an appropriate driver's license. We did get to spend the holiday with family, but I couldn't shake the sick feeling in my stomach until long after my fiancé's court date.

I am a citizen, but my fiancé is not. I have committed driving infractions, while my fiancé hasn't—yet, by the mere luck of my citizenship, I am treated with more respect even when I am caught in the wrong, than an undocumented person does when they have done nothing. This makes no sense. We need to change the laws to give licenses to all drivers to make sure that everyone is treated fairly.

GERADO SOTELO: SHOSHONE, ID

My name is Gerardo Sotelo; I migrated to the United States from Mexico in 2007. Back in Mexico, I left my family in search of a better life. I lived in Middleton, Idaho for a few years before moving to Shoshone, Idaho. I have been living here for the past four and half years now.

Gratefully, I have a job. I take a lot of pride in knowing that I'm financially contributing to my community. My job is demanding and takes a great deal of hard work, but I always put forth my best effort. I was raised to do my best in everything that I do.

Yet it has always been a challenge to get to work each day. Transportation and not having a license is a real problem. My job is about 15 miles away. Every morning, I wake up before the sun rises, gather my belongings and rush out the door. I take the bus, or catch a ride with a friend if I'm lucky, then hit the job performing an average of 60 hours each week. At the end of the day, I'm exhausted and have to drag myself back to the bus stop to prepare for the long ride home. The cycle repeats itself throughout the rest of the week. Now, I'm no stranger to hard work, so I don't complain — but it would relieve a heavy burden if I could find an easier way of getting to and from work.

When the weekend arrives, I try to get out and enjoy spending time with my friends and family; however, without a license there are days that I've been stuck inside of the house. I fear getting pulled over and being asked of my legal status. I know that cops are out on Friday and Saturday nights randomly looking for suspicious activity, so I don't risk giving them a reason to suspect me by driving. It is difficult though, because all aspects of my life are impacted by my ability to drive. I volunteer a lot at my church, but sometimes I have to explain that I cannot take part in the activities when I don't have transportation. My church is far away. Even in a car, it takes



25 minutes just to get there.

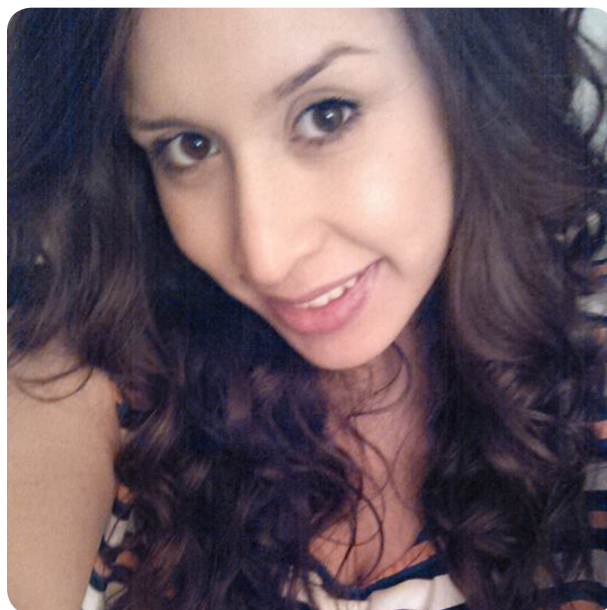
Idaho should not have restrictions that keep undocumented residents from being able to drive to meet our daily needs. Having a license that requires all drivers to pass an exam is a common sense solution which keeps the roads safe for everyone. I want to continue to play my part to increase Idaho's economic prosperity. We are a community here, and we all chip in together. Having a driver's license would assist in making my contribution even greater.

CHRISTINA GARCIA-LOPEZ: NAMPA, ID

My family and I migrated to the USA when I was a young girl from Sinaloa, Mexico. They wanted to provide a better life for me and my siblings, where there were more job and educational opportunities than in my home town. I went to school in Idaho for most of my life and it was not until high school I realized the difficulty of being an undocumented student who had no Social Security number, no job and no driver's license. Seeing other students in my senior year already getting their first job or new car because they just got their license was difficult for me because I was not any different from them but I could not enjoy any of those things.

I had to give up my dream of going to Boise State University because I was going to be charged of out of state tuition and with no job I could not pay that amount. So I ended up going to College of Western Idaho and this was where I really began to struggle. It was hard to get to school because I did not want to risk driving without a license and get caught, so my parents or friends would drive me to and from class. This meant I couldn't take certain classes that I needed for credit because my transportation schedule wouldn't allow it. It also meant I had to quit my job at a fast food restaurant because my transportation was too difficult from school to work and vice versa.

I finally made the choice that I would attempt to drive — very carefully — without a license. It was the only way I could get around and not have somebody go out of their way to drive me around to my work and my classes. Everything went well at first. I began getting confident and it felt good to be responsible for myself. But eventually my worst nightmare came true and I got pulled over. I did not know what to expect, and I was afraid. The officer gave me a warning for not having a driver's license and made it clear that the next time I would get caught driving I would get put in jail or deported.



I was back where I started with no hope, and at the rate I was going, graduating from college seemed farther and farther away. Soon after, though, I heard about Deferred Action for Childhood Arrivals (DACA), a rule that would help me fix my status; I knew I could not miss this opportunity. After I qualified for DACA, my freedom was granted to me. I had permission to be here legally and I could get around on my own and not have to rely on other people. I could go to school, work, and run errands. I could finally breathe and not worry getting pulled over by the police and have my status questioned. I can't imagine where my life would be if I still lived in fear and had to be dependent on others. I would not be graduating this semester from college or applying for a job. A driver's license gave me the opportunity to accomplish my goals. Knowing that there are many fellow immigrant family and friends that don't have the same opportunity as I did is heartbreaking. They also deserve to drive freely without fear.

ANDRES*: NAMPA, ID

My young family and I had only lived in Nampa for a short while when I was pulled over heading home from work one day. When I asked why I was pulled over, the police officer gave no reason. He responded with a demand to see my driver's license, car registration, and car insurance. I took care to do exactly what was asked of me, and although I was frightened, I provided him with everything that he had asked for. At the time, I was licensed to drive a vehicle in Mexico, so I gave the police officer my Mexican driver's license.

The police officer then handcuffed me and told me that I needed to be jailed until the department could verify my true identity. Because this had happened to a brother of mine before, I knew that immigration officers routinely check jail holding cells looking to deport undocumented workers. I couldn't understand how this could be happening — I didn't want to be deported and separated from my home, work, and family. I didn't commit a crime and searched to find answers on why this was happening. I felt desperate, sad, and exasperated as I sat in the jail cell, wondering what I could have done differently to change my misfortune.

Thankfully, because I gave my real name, it only took a few hours to verify my identity and I was released and allowed to go home to my family. I still use my real name to do business in the area and to work, but many extended family members do not. When officers cannot verify a driver's identity, it takes away valuable time which could be used for more important needs like policing the streets for real criminals.

Having a driver's license is more than a privilege: it's a necessity to care for our families, go to work, and be productive in our communities. Extending licenses to all of Idaho's valued residents is the fair thing to do.

** Note: A pseudonym was used to protect the identity of this story subject.*

DULCE GRANADOS: EMMETT, ID

The fear of getting pulled over and the constant risk of going to jail is not my ideal way of living. My husband has been pulled over various times and has been fined with infractions. Police officers have questioned him about his out-of-state license, and, on one occasion, they fined and gave him a court date to appear in front of judge. We were scared because the judge mentioned that he could be incarcerated, and my husband was asked why he drives without a license. He responded that it was an emergency, which it was, as my mother had cancer and we had to drive to the hospital to see her. The judge let him go and gave him another chance, but he advised that he should get a license or do something about his status.

As a result, we were fearful of what would happen to him if he got caught driving again. Being in such a small town like Emmett, the police would notice right away. So we agreed that I would drive him to work and back. At first it seemed like a great idea. But I, as well, feared getting stopped, because I also had an out-of-state license, which was soon to expire. I would drive 45 minutes to Nampa to drop my husband at work and come back early enough to take my children to school and then get ready to drive to work. I even had to change and minimize my work hours because I needed to get out on time to pick up my husband. Driving back and forth has become a large expense in our household and, with me working fewer hours, financially it's becoming difficult.

My 16-year-old son can drive, but only with a permit. We thought he could help us out, but for him to drive, a parent or guardian must have an Idaho-issued license.

We had thoughts of moving closer to my husband's work in Nampa, but because moving was so expensive and we couldn't find a good house price, we had to renew our contract on our current house. We even considered moving to a



state that does permit licenses for immigrants, but, for my family who has lived in Emmett for 16 years, it is a dramatic change and my kids in high school would have start from zero. We know nobody in the other states, and it would mean going to an unknown place that we aren't sure would be good to raise our family.

Why can't we have a license in Idaho? We are good people who work, take our children to school and need to go out and buy groceries. Why do the simple things in life need to be so difficult? It so much stress for our family.

It has been 16 years of living in this country and 14 years waiting to get permission to be a legal resident, but, as with all immigration procedures, we must wait longer. If I leave the country I would have nothing, risk being in danger and lose my opportunity to be a resident. But if I stay, I will be unlicensed with my husband and continue with the fear of being caught driving without permission. This is not living. My family can't live in uncertainty and fear. We need a better life and licenses for all immigrants who want to live a good life in Idaho.

CONCLUSION

While immigrants contribute significantly to the prosperity of Idaho, such restrictions on driving privileges prevent all of the state's residents from sharing in that prosperity.

There is a solution to this problem. It's become increasingly clear that denying immigrants' driver's licenses just isn't working. Thirteen other states — including Washington (see Exhibit A for a model policy), Utah, and Oregon — have recognized that giving immigrants the opportunity to apply for driver's licenses is the right, sensible thing to do. The Idaho Legislature can do the same.

Say yes to a fair and just solution and remove the immigration-related requirements. Idaho legislators should remove the immigration-related requirements from the driver's license law and take the first step toward fairness for Idaho's immigrants.

REFERENCES

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- 4 The Oregonian, "Most Workers at Idaho Dairy Farms are Illegal Immigrants, estimates say" March 12, 2013. Available at: http://www.oregonlive.com/pacific-northwest-news/index.ssf/2013/03/most_workers_at_idaho_dairy_fa.html
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- 7 U.S. Census Bureau, "Idaho QuickFacts," available at <http://quickfacts.census.gov/qfd/states/16000.html>
- 8 U.S. Census Bureau, "Minidoka County, Idaho QuickFacts," available at <http://www.quickfacts.census.gov/qfd/states/16/16067.html>.

EXHIBIT A: WASHINGTON STATE DRIVER'S LICENSE LAW

In Washington state, driver's licenses are available for individuals who cannot show proof of legal presence, if they can present proof of identity as established by the state Department of Transportation.

RCW 46.20.035: Proof of identity.

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An immigration and naturalization service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."



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3450 W. Hill Rd., Boise, ID 83703
Voice: (208) 385-9146
www.idahocan.org



The Alliance for a Just Society is a network of community-based social, racial and economic justice organizations.

3518 S. Edmunds, Seattle, WA 98118
Voice: (206) 568-5400
Fax: (206) 568-5444
www.allianceforajustsociety.org