

October 16, 2017

Office of Public Affairs  
CA Department of Motor Vehicles  
2415 First Avenue  
Sacramento, CA 95818

**Public Comment for Proposed Regulatory Action -- Driver's Licenses and Identification Cards: REAL ID**

*Via Electronic Facsimile*

Dear Director Shiimoto:

On behalf of the Drive California coalition, thank you for the opportunity to provide comments on the proposed regulations implementing California's compliance with the federal 'REAL ID Act of 2005.' Drive California is committed to ensuring that driver's licenses remain accessible for all California residents, and that compliance with REAL ID does not inadvertently result in impediments leading to delay or denial in their application for a state driver's license or identification card.

Drive California is a statewide coalition of immigrants' rights advocates, community-based organizations, service providers, faith-based organizations and workers' rights advocates that spearheaded successful implementation of AB 60 to ensure driver's licenses are available for all.

We appreciate the thoughtful proposed changes, and urge the Department to ensure that access and personal choice remain cornerstones of the final regulations—that California drivers will not be denied erroneously, while also having the choice to opt out from a REAL ID compliant license. Ease in access and mechanisms to opt out are the most effective means of ensuring that all of our state's drivers are tested, licensed and insured.

The proposed changes to § 15.01 improve access to original licenses/cards by making it easier to demonstrate California residence.

We commend the Department for making modifications that improve access as follows:

- 1). Reducing the number of documents required to establish residency from two to one
- 2). Increasing the types of documents that are accepted to ensure that transient and homeless populations and foster youth are able to demonstrate their residency in California despite not having a permanent home or mailing address.

The Coalition aims to provide every Californian with the ability to secure a driver's license or state identification card. Transient and homeless populations are typically unable to provide the Department with an address, and foster youth move too often to have a permanent residence.

This change will ensure that these vulnerable populations have access to apply for and obtain a license or card.

#### The Application Process Should Ensure that Eligible Californians can Choose Whether to Obtain a REAL ID Compliant Driver's License or Identification Card

California has chosen to make a REAL ID license available to certain eligible state residents. However, many civil rights organizations have raised serious privacy concerns about the law, and a number of individuals may wish to secure an alternative license. Presently, applicants for a driver's license or identification card submit their documents for verification, and based on whether they offer proof of federally authorized presence, DMV staff issue the appropriate license or card. The proposed regulations narrow the types of documents a lawfully present non-citizen may submit in order to receive a REAL ID compliant license, meaning that some lawfully present individuals will be able to secure only a non-REAL ID compliant license. However, once the state issues a REAL ID compliant license, some Californians who are US citizens or have federally authorized presence also may prefer to obtain a non-compliant license or card. The Department should ensure that these individuals have the freedom to choose whether to obtain a REAL ID license or card.

Accordingly, we recommend the Department allow eligible individuals to choose whether to obtain a REAL ID license. There is a precedent for doing this as other states, such as Vermont, have given their residents and drivers the same freedom to choose whether they are applying for a REAL ID or non-compliant license or card. We strongly urge the Department to ensure Californians have this choice when they apply for a driver's license or identification card.

#### The Regulations Should Include Due Process Protections for Individuals Whose Verification is Subject to Delay.

The REAL ID Act requires that states enter into a Memorandum of Understanding with the Secretary of the Department of Homeland Security to utilize Systematic Alien Verification for Entitlements (SAVE) to verify the validity of the documents submitted. The federal statute establishing the SAVE system, 42 USC 1320b-7(d)(4), recognizes that there may be delays, inaccuracies or incompleteness in the databases that require additional time for verification. Therefore, the statute ensures that individuals who submit reasonable proof of their eligible status can receive services during the verification process.

California Vehicle Code § 12801.5 (d) similarly requires the Department to issue regulations to ensure, not only that the applicant's presence is authorized under federal law, but also that applicants will be issued a temporary license pending verification of status and a hearing process to appeal a denial of an original license or card. These regulations should make clear that any existing procedures and processes for ensuring a fair verification process apply to the issuance of Real ID compliant licenses and cards.

The Regulations Create Exceptions to the Documentation Requirements for a Compliant ID Card.

The REAL ID Act provides states with the opportunity to create an exceptions process for US citizens who cannot provide any of the necessary documents to demonstrate citizenship. We are extremely pleased to see the Department has utilized this provision of federal law to ensure that citizens who cannot produce the specified proof of citizenship will have a means of applying for and potentially obtaining a state license/card.

Some citizens are especially at risk of not having the proper paperwork to demonstrate citizenship. This is particularly true among low-income or rural communities and communities of color. We recommend the Department ensure their procedures for interviewing people who cannot provide documents to demonstrate citizenship are adequate for vulnerable populations to secure a license and card. We also recommend the Department make these procedures public and provide an opportunity for community input and public comment.

Thank you for your time and attention. We are pleased to see that the Department is taking steps to ensure that every Californian has access to a driver's license or state identification card. We look forward to working with your Department to ensure that the roll-out of REAL ID in California does not result in a drop in licenses for immigrants and other vulnerable communities. Please do not hesitate to contact us if you have any questions.

Sincerely,

The Drive California Coalition



## Member Organizations

ACLU of California  
African Advocacy Network / Dolores Street Community Services  
American Friends Service Committee San Diego  
AILA NorCal (American Immigration Lawyers Association, Northern California Chapter)  
Asian Americans Advancing Justice - Los Angeles  
Bay Area Industrial Areas Foundation (IAF)  
C.A.U.S.E. (Central Coast Alliance United for a Sustainable Economy)  
California Immigrant Policy Center  
California Immigrant Youth Justice Alliance  
Canal Alliance  
CARECEN (Los Angeles)  
Centro Laboral de Graton  
Consejo de Federaciones Mexicanas en Norteamérica (COFEM)  
Council on American-Islamic Relations - California (CAIR-CA)  
Dolores Street Community Services  
Dream Team Los Angeles  
Educators for Fair Consideration  
Filipino Advocates for Justice  
Immigration Action Group - Watsonville  
ILRC  
Inland Empire Immigrant Youth Coalition  
Justice for Immigrants Coalition  
KIWA (Koreatown Immigrant Workers Alliance)  
Korean Resource Center  
Long Beach Immigrant Rights Coalition  
Mixteco Indigena Community Organizing Project  
Mujeres Unidas y Activas  
National Immigration Law Center (NILC)  
Nuestra Casa East Palo Alto  
People Organized for Westside Renewal (POWER)  
PICO California  
Placer People of Faith Together  
Pomona Economic Opportunity Center  
Presente.org  
Promotores of Humboldt  
Puente de la Costa Sur  
Sacramento Area Congregations Together  
Sacred Heart Community Service  
San Diego Dream Team  
Services, Immigrant Rights, and Education Network (SIREN)  
Thai Community Development Center  
TODEC Legal Center  
Voces Unidas Solano  
Youth United for Community Action