

Brian G. Soublet, Deputy Director/Chief Counsel
Department of Motor Vehicles
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Re: Comments on Modification of Proposed Regulations Implementing AB 60

Deputy Director Soublet:

The undersigned organizations are pleased to offer comments regarding the proposed regulations governing driver's licenses to be issued under AB 60. We appreciate the Department's tremendous work in implementing AB 60. We commend you for including additional documents which immigrants may provide to confirm their identity and residency when applying for a driver's license. We look forward to continuing our work with the Department on this effort.

- I. Section 16.04(a): In this section, an applicant may present one of several documents to establish identity. However, if the document is a valid foreign passport approved by the department pursuant to Section 16.08, but which cannot be verified electronically, the Department proposes that these valid passports must be accompanied by a social security number.

Recommendation: *Accept valid approved foreign passports or consular ID cards as primary identification documents, without requiring that they be accompanied by a social security number.*

- Valid foreign passports, particularly those approved by the Department are widely accepted as a valid means of establishing an individual's identity. For example, a passport by itself sufficient to establish identity in an application for temporary protected status, and a passport by itself establishes identity under current TSA rules for proof of identity at airports and under the REAL ID Act. Although the passports may not be verifiable electronically, the Department can use common and reliable manual methods of inspection and verification of foreign documents. These include consulting a manual such as the Passport Examination Procedure Manual of the International Office for Migration (IOM) or the I.D. Checking Guide, International Edition, checking with the issuing country's embassy or consulate, or approving certain documents by determining that the issuance process is reliable.¹
 - AB 60 is intended to ensure that all eligible California residents can be trained, tested, licensed and insured to drive, regardless of their immigration status. The vast majority of AB 60 applicants will not be able to submit a social security number. This additional and unnecessary requirement makes the passport option meaningless for most applicants. The Department should recognize valid (and approved) foreign passports and consular IDs as a primary identification document.
- II. Section 16.04(b): In this section, an applicant may present two valid and approved foreign documents that cannot be electronically verified by the department.

¹ The Passport Examination Procedure Manual is available at <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ibm/16-IOM-IBM-FLYERPassport-Examination-Procedures-Manual-PEPM.pdf>. The I.D. Checking Guide is available at <http://www.driverslicenseguide.com/book-intl.html>.

Recommendation: *Allow a valid and approved passport or other valid and approved foreign document alone to establish identity. Do not require applicants to submit both documents.*

- As explained above, a valid foreign passport alone is a reliable identity document, even when not electronically verifiable. The Department should accept these as primary evidence of identity, using the reliable manual methods for inspection and verification of foreign documents described above. Such methods would obviate the need for presentation of an additional document. In addition, many countries do not issue identification documents other than passports.
 - This means that most non-Latin American AB 60 applicants will be referred to Secondary Review and are therefore significantly disadvantaged in the AB 60 application process.
- For other applicants, acquiring a passport is costly and difficult. For example, some consulates require a passport applicant to provide documents that longtime US residents may not have or be able to obtain.

III. Section 16.06(b): In this section, “the department may determine additional documents which will assist in verifying an applicant’s identity as stated on a case-by-case-basis” during Secondary Review.

Recommendation: *Bolster the Secondary Review process by providing additional staffing and training to allow more timely appointments for the large volume of applicants.*

Recommendation: *The department should establish a time limit for processing Secondary Review applicants, such that no applicants have to wait more than 30 days from the original date of application.*

- The explicit addition of “case-by-case” discretion to accept particular documents in Secondary Review is useful and important because it will allow greater flexibility to respond to applicants’ particular circumstances. But, it also raises concerns around consistency and fairness. The department should provide additional training and monitor Secondary Review cases for quality control. In addition, the department should plan to review the list of acceptable documents and consider adding to the list through the notice-and-comment process every year.
- The Secondary Review process was created to provide AB 60 applicants with an additional opportunity to prove their identity and residency. However, in the first three months of implementation, the process has become a barrier for many applicants, who have yet to receive their Secondary Review appointment.²

Thank you again for your consideration of these comments.

Sincerely,

² For example, Héctor Jiménez, an AB 60 applicant, received a Secondary Review notice on January 2 and has not received an appointment for Secondary Review as of March 16. After calling the Secondary Review phone line, he was told to wait for a letter. He stated in the article, “I’ve even sat down to wait for the mailman. And my seven-year-old daughter, when she watches me open the mailbox, asks me, ‘Daddy, your license hasn’t arrived,’” See the full story on La Opinión (in Spanish) at <http://www.laopinion.com/licencias-inmigrantes-indocumentados-ab60-segunda-revision>.