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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

January 25, 2023

The Honorable Dan Ruby, Chairman
House Transportation Committee
North Dakota State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Bill to Prohibit Driver’s Licenses to Those Not Lawfully Present

Dear Chairman Ruby and other distinguished members of the Transportation Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to serve our nation’s interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including 1330 in North Dakota. On behalf of our members and supporters, I am writing to express FAIR’s support for House Bill (HB) 1493 that prohibits driver’s licenses to those who are not lawfully present in the United States.

If enacted, HB 1493 will prohibit the issuance of a driver’s license to any individual who cannot provide documentation that he/she is lawfully present in the United States. Moreover, this legislation will ensure that once authorization to remain in the United States ends, the license will expire. This bill is good public policy and supports the purposes and objectives of federal immigration law.

Federal law clearly states under what circumstances a person may lawfully reside in the United States. An illegal alien, by definition, does not possess lawful immigration status or lawful presence and is subject to immediate removal.¹ Prohibiting driving privileges to illegal aliens prevents the furtherance of their illegal conduct.

¹ See the Immigration and Nationality Act, 8 U.S.C. §1101, *et seq.*



HB 1493 for the first time would define lawful presence in state law by expressly providing that the definition is the same as under federal law. It would also expressly exclude from the term aliens paroled into the United States, individuals whose deportation has been “deferred,” stayed or withheld, such as under the DACA program, and those who have merely applied for and have not been granted asylum. These individuals have been given deferred removal for a temporary time but are not lawfully present under federal law.

A driver’s license is useful to create an appearance of lawful presence and serves as a virtual passport to the nation, opening many doors that would otherwise be unavailable. In addition to giving individuals the ability to travel freely throughout the country, it is also used for countless other purposes like registering to vote and applying for government benefits, as well as for establishing bank and credit card accounts. Giving individuals who are not lawfully present in the United States a driver’s license provides them with a major form of identification used by U.S. citizens that aids and abets their efforts to live and work illegally in the United States.

Not providing driver’s licenses to illegal aliens buttresses the intent behind the federal REAL ID Act. The goal of the REAL ID Act is ensuring that those who are in the country illegally with the intention to do us harm—like the 9/11 terrorists—are not provided with the documents to facilitate their heinous mission. In fact, included in the 9-11 Commission report’s recommendations was the statement that we as a nation needed to deny terrorists sanctuary. States that do not prohibit granting driver’s licenses to those who are unauthorized to be in the United States are shielding these individuals in our communities and providing them sanctuary.

While not every individual who enters the United States unlawfully poses a public safety or national security risk, unlike legal immigrants, illegal aliens are not subject to stringent background checks or face-to-face interviews to determine whether they pose a threat. The nineteen September 11 terrorists carried among them over 30 state driver’s licenses and identification cards. These documents allowed them to drive, to board the airplanes they hijacked to attack this nation, obtain housing, transportation, and other accommodations, without raising suspicion while they carried out their deadly conspiracy. According to US Customs and Border Protection (CBP), in Fiscal Year 2022, 165 individuals on the terrorist watch list were encountered on the southern

border and 313 on our northern border.² This is especially concerning since North Dakota has 310 miles that borders Canada and many of the Border Patrol agents who guard the northern border have been reassigned to the southern border to process individuals coming into the United States from Mexico. Additionally, CBP arrested 29,021 individuals attempting to cross the border with criminal convictions. Among those arrested were 751 criminal aliens with gang affiliations, including 312 MS-13 members.³

Moreover, providing driver's licenses to illegal aliens will not make North Dakota roads safer. In 2018, a study conducted by AAA Foundation for Traffic Safety found drivers without a valid license are responsible for 20 percent of all automobile accidents. This same study found that five percent of the drivers involved in fatal car accidents were unlicensed drivers. Ninety-five percent of the drivers involved in fatal car crashes were licensed drivers or drivers whose licenses were suspended, revoked, expired, cancelled, or denied. Therefore, any correlation between road safety and unlicensed drivers is tenuous at best.

HB 1493 protects North Dakota communities. It promotes public safety and our national security by ensuring those individuals who are not authorized to be in the United States are not granted a driver's license which gives them legitimacy. HB 1493 also ensures that North Dakota does not become a magnet for illegal immigration.

For the aforementioned reasons, FAIR urges you to support HB 1493.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,



Shari Rendall

² US Customs and Border Protection, [CBP Enforcement Statistics Fiscal Year 2022](#)
[U.S. Customs and Border Protection](#)

³ Ibid.