



Legislative Briefs

from the Legislative Reference Bureau



Legislative Brief 06-6

June 2006

IDENTIFICATION REQUIREMENTS FOR IMMIGRANTS

During the 2005-2006 session of the Wisconsin Legislature, legislation was enacted to establish identification requirements for immigrants residing in Wisconsin.

2005 Assembly Bill 69 was enacted as 2005 Wisconsin Act 126. This act, effective April 1, 2007, establishes new requirements for non-U.S. citizens seeking to obtain a Wisconsin driver's license or identification card issued by the Wisconsin Department of Transportation, Division of Motor Vehicles (DMV).

A second bill, 2005 Senate Bill 567, would have limited the eligibility for public assistance programs to U.S. citizens and to qualified immigrants, but it was vetoed by Governor Jim Doyle.

BACKGROUND

Since the terrorist attacks of September 11, 2001, federal and state governments have tightened security in the interest of public safety. Prior to the enactment of 2005 Wisconsin Act 126, Wisconsin was one of 10 states that did not require an immigrant to show proof of legal status (valid visa, permanent residency, or U.S. citizenship) in order to obtain a driver's license. Wisconsin also does not require proof of U.S. citizenship or legal presence by those seeking public assistance.

In 2003, the U.S. Department of Homeland Security (USDHS) reported that there were 703,542 legal immigrants in the United States, with 4,357 residing in Wisconsin. Of those without proper documentation, the USDHS estimated that there were 7 million undocumented aliens in the United States in 2000,

with between 10,000 and 40,000 residing in Wisconsin.

Supporters of increased identification requirements pointed to the need for heightened security in the fight against terrorism. Opponents contended that the threat of terrorism was being used as a smokescreen in an effort to reduce illegal immigration. They countered that immigration reform was an important but separate issue, and that licensing all drivers was critical to traffic safety.

2005 WISCONSIN ACT 126

2005 Wisconsin Act 126 was enacted to comply with the federal Real ID Act of 2005 (P.L. 109-013) by May 11, 2008. This law requires all states to follow specified standards, procedures, and requirements for issuing driver's licenses and identification cards if they are to be used and accepted as identity documents by the federal government.

Under current Wisconsin law (Sections 343.06 and 343.50, Wisconsin Statutes), an individual applying for a Wisconsin driver's license or identification card needs to provide the DMV with certain information which includes the applicant's name, address, date of birth, and physical description.

Upon receipt of this information, the DMV issues a driver's license or identification card which includes a photograph of the applicant, identifying information, physical description, and the applicant's signature.

With the enactment of 2005 Wisconsin Act 126, a person seeking to obtain a Wisconsin driver's license or identification card must provide the DMV with documentary proof

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that the applicant is either a U.S. citizen or legally present in the United States (lawful permanent residence or conditional residence).

The DMV is also required to:

- Coordinate the expiration of the license or identification card to match the expiration of legal status in the United States.
- Not issue a driver's license or identification card to an applicant unable to provide the required documentary proof.
- Cancel a driver's license/identification card upon notification by a government agency that the licensee/card holder in question is no longer a U.S. citizen or qualified immigrant.

Implementation/Costs. With its April 1, 2007 effective date, 2005 Wisconsin Act 126 allows the DMV time to prepare for the federal law and plan for a staged implementation to accomplish an orderly and less disruptive transition from its current registration system.

In the fiscal estimate for 2005 Assembly Bill 69, the department indicated a one-time cost of \$341,700 for data processing work to alter the driver's license issuance system to capture legal alien status information, print a "legal presence" expiration date on each license, and build a link to the USDHS's Systematic Alien Verification for Entitlements (SAVE) System. As for ongoing costs, the department estimated that it would need an additional \$164,777.

2005 SENATE BILL 567

2005 Senate Bill 567 would have provided that, to the extent permitted under federal law, only a person who is a U.S. citizen or is lawfully admitted into the United States for per-

manent residence is eligible for any of the public assistance programs and services administered or provided by the Wisconsin Department of Health and Family Services and the Wisconsin Department of Workforce Development. The bill would have also required that every application for a public assistance program include a clause certifying that the processing person received from the applicant the necessary documentary proof and specifying the nature of that proof.

Governor Doyle vetoed 2005 Senate Bill 567 on May 26, 2006. In his veto message, the governor indicated that he vetoed the bill because it duplicated federal law. He also expressed the view that the state should not prevent American citizens from getting needed assistance.

PUBLIC ASSISTANCE ELIGIBILITY

The federal Deficit Reduction Act (P.L. 109-171) requires two forms of proof of U.S. citizenship, such as a birth certificate or a passport and a photo ID, to be eligible for Medicaid-related public assistance programs. The federal requirements are effective on July 1, 2006.

Under current Wisconsin law (Chapter 49, Wisconsin Statutes), as a condition of eligibility for any of the Wisconsin public assistance programs, an immigrant must provide a declaration of U.S. citizenship or satisfactory immigration status. Additional verification of these documents may also be required.

FOR FURTHER INFORMATION

View a copy of 2005 Wisconsin Act 126 or 2005 Senate Bill 567 at www.legis.state.wi.us.