



NEW YORK STATE DRIVER'S LICENSES AND IDENTIFICATION *A Fact Sheet*

In 2001, New York State's DMV commissioner voluntarily sharply increased the number of identification "points" required to obtain a driver's license from two points to six. These requirements make it very difficult for homeless individuals, transgender folks, immigrants, and youth to obtain their drivers' licenses and identification necessary for essential services.

In 2004, the NYS DMV began comparing its records with those of the Social Security Administration to check for differences in listed immigration status and gender identity. Thousands of letters have been sent to immigrants threatening suspension of their licenses, and hundreds of transgender people have received these letters as well. Currently, many immigrants and transgender people have expired licenses due to this policy.

HOMELESS PEOPLE

- Homeless people have difficulty retaining documents required to obtain driver's licenses due to instability in their housing situation. **Birth certificates, social security cards and passports, all required items for obtaining a state ID**, are frequently lost while a person is homeless.
- Many forms of identification that are acceptable for points, such as bank statements, credit cards, utility bills, etc. are not the types of documents a homeless adolescent will have.
- In addition, the City of New York has in recent years introduced more stringent requirements for homeless people to obtain emergency shelter, and lack of identification makes it harder for homeless families and individuals to overcome those bureaucratic obstacles.

IMMIGRANTS

- **The DMV policy of comparing its database with the Social Security Administration has resulted in thousands of intimidating letters being sent to immigrants.** With the full implementation of the REAL ID act, undocumented immigrants will no longer be able to obtain driver's licenses.
- Undocumented immigrants will be forced to either drive illegally or give up the ability to drive, even if their job involves driving, such as taxi drivers or truck drivers.
- **The REAL ID Act makes applying for political asylum based on sexual orientation even more difficult** by amplifying the burden of proof on people fleeing persecution. For someone fleeing persecution it is literally impossible to return to the locale of their torture to collect any materials required for proof.

TRANSGENDER FOLKS

- Transgender people are frequently in the process of changing their names and gender identities on documents. Certain documents are easier to change than others, and **many transgender individuals have some documents that say male and some that say female. It is therefore difficult for trans folks to obtain the six points necessary** for identification that reflects their current gender identity.
- Previously, a transgender individual could change his or her gender on their driver's license by simply supplying a letter from a doctor. Now that DMV records are being compared with those of the Social Security Administration (which requires genital surgery to change gender identity on legal documents), many transgender people will not be able to change their gender (because they do not have the monetary resources for, or do not want to undergo, genital surgery). Therefore, they will no longer be able to access this form of legal identification under their reassigned gender.
- **Without access to legal identification under their chosen gender, transgender people are constantly at risk of discrimination by employers and police, and face innumerable other difficulties including the inability to travel safely abroad or open a bank account.**

RUNAWAY AND HOMELESS YOUTH

- Homeless youth arrive at programs with little or nothing. Essential documents, such as birth certificates and social security cards are not easily accessible either due to parental refusal or because family disintegration has rendered them lost. To even begin the process of obtaining a new set of documents, you often need some form of official identification. For example, to access the federal building to apply for a new social security card you need some sort of official identification.
- In addition, **access to documents such as birth certificates takes time and money, two resources homeless youth lack.** Other forms of identification that are acceptable for points, such as bank statements, credit cards, utility bills, etc. are not the types of documents a homeless adolescent will have.

- Special provisions are in effect to allow agencies to obtain official documents for youth in the foster care system, including agency letters on behalf of a youth.
- Identification is often the first step to self-sufficiency for homeless youth, especially today where employers are required to have proof of citizenship or legal status on file for each employee (U.S. Department of Justice Form I-9) and where identification is required to open a bank account. **The DMV policy therefore is a major impediment for many homeless youth seeking to stabilize their lives** and becoming productive citizens of our state.

IMPACT ON ALL OF THESE COMMUNITIES

Without access to drivers' licenses and identification, many people from these communities are unable to receive crucial services. Opening a bank account, obtaining government benefits (such as Medicaid), receiving health insurance, riding Amtrak, registering for school, entering a municipal building – all of these things require state identification, and without it, our communities are denied needed services that they are entitled to. Further, many residents of New York State are forced to either give up the ability to drive, or drive illegally.

RECOMMENDATIONS FOR A MORE JUST SYSTEM:

- Reduce the number of identification points from six back to two in order for homeless people and runaway and homeless youth to access necessary services.
- Stop comparing the DMV database to the Social Security Administration's database, and stop requiring proof of legal residency in the United States.
- NYS legislature should pass A612, a bill that will require the DMV to accept forms of identification that are not based on immigration status. This bill alone will not help homeless people and runaway youth, so the number of required identification points must be reduced as well.

WHAT YOU CAN DO:

- Contact Governor Pataki, and urge him to instruct the DMV to reduce the points from 6 back to 2.
- Contact Governor Pataki, and demand that he stand by the other governors who are in the process of rejecting the REAL ID Act, and that he do the same in New York.

You can reach Governor Pataki at: 518-474-8390.

- Contact Eliot Spitzer, and request that he pledge, as a candidate, that if he becomes governor, he will reduce the 6 points down to 2, and will lead New York State in opting out of the REAL ID Act.

You can reach Eliot Spitzer at his campaign office: 212-529-2006.

- Ask everyone you know to call their local State Assembly member, and ask them to support A612. You can identify your state assemblyperson at <http://assembly.state.ny.us/mem/>