

Why Driver's License Restrictions on Immigrants Would Not Have Prevented the 9-11 Terrorist Attacks

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The Terrorists Did Not Need Driver's Licenses to Board the Planes

- The terrorists did not need U.S.-issued driver's licenses to board the planes on September 11; they had foreign passports that allowed them to do so.
- According to the *9/11 and Terrorist Travel* staff report, the real security issue is that some of the hijackers should not have been issued visas nor permitted to enter the U.S. Neither the 9-11 Commission report nor the staff report suggest that drivers' license restrictions for non-citizens would have prevented the attacks.

Federal Immigration Restrictions on Driver's Licenses Would Not Have Stopped the 9-11 Terrorists

- The terrorists were in fact issued visas and permitted legal entry into the U.S. Their lawful presence would have qualified all of them for drivers' licenses
- None of the terrorists obtained a driver's licenses in a state that does not require immigrants to be lawfully in the U.S.

A Federal Requirement that Driver's Licenses Expire with Immigration Visas Would Not Have Stopped the 9-11 Terrorists

- Virtually all of the hijackers were in lawful immigration status at the time of the 9-11 attacks. A rule that drivers' licenses expire with visas would have had no effect on the validity of their drivers' licenses.
- According to the *9/11 and Terrorist Travel* Staff Report at p. 134, only two of the hijackers' visas had expired as of Sept. 11, 2001. They would have been able to use passports as identification to board planes.
- Terrorists would be able to evade a requirement that driver's licenses expire when visas expire simply by acting before their status expires.
- Terrorists can be U.S. citizens, lawful permanent residents, non-immigrants on temporary visas, diplomats, visitors from visa waiver countries, or non-citizens with any other immigration status. Protection of national security demands measures that focus on intelligence, behavior, and immigration screening, not on immigration status.

A Federal Requirement that Driver's Licenses Expire with Immigration Visas Is Ineffective

- Visas and immigration statuses do not have uniform documentation nor do they have simple expiration dates. A variety of documents may prove immigration status, and documents may have expiration dates even though the status does not. Linking driver's licenses to visa expiration date presumes order, consistency and logic that simply do not exist in the immigration system.
- Many non-citizens are still lawfully in the country even though their immigration document may have expired. For example, a non-immigrant who has applied for extension of a visa is lawfully present while awaiting a decision on the application. But for driver's license purposes, they will appear to be out of status.
- The Department of Homeland Security is hopelessly behind on processing immigration applications and changes in or extensions of status. DHS backlogs will prevent many non-citizens from obtaining or proving their status in order to get a driver's license. DHS backlogs will only increase if the agency's resources must be consumed in proving immigration status for driver's license purposes.

Some of the Terrorists Obtained License Through State Residency Fraud

- Five of the terrorists fraudulently obtained their licenses by falsely claiming *state* residency, which is different from legal residency for immigration purposes. States have tightened requirements for proof of state residency to correct this deficiency in their laws.
- Some of the terrorists were able to obtain multiple licenses. But that's not why they were able to board airplanes. The issue of drivers (whether citizens or non-citizens) unlawfully obtaining multiple licenses requires real solutions. Making it harder or impossible for non-citizens to obtain licenses won't accomplish this.

Denying Undocumented Immigrants Driver's Licenses Increases Document Fraud

- Restricting driver's licenses results in the proliferation of false documents. Since possession of a driver's license is so valued, the production and sale of falsified documents increases if large numbers of the population are denied valid driver's licenses.
- The recent incident in Virginia confirms this. Immigration and Customs Enforcement (ICE) raided four businesses and charged 26 people with selling fraudulent driver's licenses, passports, birth certificates and immigration documents to Asian immigrants. Virginia recently passed new driver's license laws that require all applicants to prove legal presence in the U.S. It is not surprising that immigrants in Virginia who are no longer able to obtain valid driver's licenses have now turned to fraudulent documents.

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