



DISPATCHES: A driven debate

By Hank Kalet, Online Editor

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Undocumented immigrants are going to drive whether the state allows them to or not.

And if they are going to drive, they should be regulated like any other driver — tested for proficiency, their cars inspected and forced to carry liability insurance designed to protect the rest of the people on the road.

That is the conclusion offered by a state panel convened by Gov. Jon Corzine to study immigration and offer recommendations on the best ways to integrate immigrants into society. There are about 550,000 or so undocumented immigrants in the state, according to the Pew Hispanic Center, many of whom the Governor's Blue Ribbon Advisory Panel on Immigration Policy found "drive even though they are not permitted to obtain licenses."

The reason, as advocates for immigrants point out, is not driving is not an option in a sprawling region like suburban Central Jersey that lacks public transportation.

"In New Jersey, you need a car to survive," says Roger Martindell, a Princeton attorney who represents many undocumented immigrants. "Unless you live in a big city like Newark or Trenton, or you live in a little town where there is enough work for service workers, and you can walk, which is Princeton. But if you live out in East Windsor or West Windsor or Hopewell, forget it. You need a car."

Maria Juega, treasurer for the Latin American Legal Defense and Education Fund in Princeton, agrees.

"Undocumented immigrants are caught between a rock and a hard place," she says. "In Mercer County, you can't adequately survive without your own transportation. There is not adequate public transportation and, at some point, you have to jump in the car to go to the doctor, to get groceries or for other reasons. The bus may be available for certain things, but not others. It is a matter of survival."

State law, however, mandates potential drivers prove citizenship — Social Security card, birth certificate — or legal immigration status. Because of this, according to the governor's panel, "many New Jersey residents who do not qualify for these licenses are either driving without licenses or fleeing to other states with less restrictive licensing qualifications to obtain licenses."

The result, according to the report, is "Unlicensed drivers are not examined to assure their knowledge of the rules of the road, are not checked to establish identity and cannot procure liability insurance that protects other drivers and passengers in the event of accident. Thus, there may be significant costs and losses imposed on innocent third parties as a result of not bringing within our driver's license regulatory scheme those who, as a practical matter, are driving on our roads anyway. And it may also enhance safety, security and law enforcement efforts if state government has access to some basic information about the identity of undocumented immigrants."

Not everyone buys the argument. Groups like the Center for Immigration Studies, which advocates what it calls "attrition through enforcement," say issuing driving permits to undocumented workers would erode national security and leave Americans vulnerable to terrorism, identity theft and a host of other criminal activity. They also say issuing licenses or permits rewards the undocumented for illegal behavior.

It is an argument, however, based more on anecdotal evidence and fear than on any hard data. After all, there are an estimated 12 million undocumented immigrants in the United States, the vast majority who work and pay taxes.

Gov. Corzine, who supports many of the recommendations offered by the immigration panel, called the drivers' license issue "problematic."

"There are some recommendations, no matter how well intentioned, that cannot be accomplished without a comprehensive policy at the federal level, and drivers' licenses for the undocumented is one of them," he said in March. "This is a tremendously important but complex issue that cannot be resolved with piecemeal solutions at the state level absent of a comprehensive federal policy."

That's a copout. There obviously is a need for federal reforms, but that doesn't excuse the state from taking action designed to better the lives of all New Jersey residents.

The federal identification program known as Real ID — which standardizes procedures and rules governing the issuance of state identification cards such as driver's licenses — does not prevent states from granting a limited driving permit to the undocumented. But it does give state-level politicians an excuse they can use to avoid what has become another so-called "third-rail" issue.

Ryan Stark Lilienthal, a Princeton immigration attorney, said the license issue is one of many examples of how lack of action at the federal level is creating a problem for the states — i.e., undocumented immigrants need to drive to work or take their children to school or the doctor's office, but they are not legally allowed to drive.

"They are driving on the streets of New Jersey, the highways of New Jersey, without licenses, without insurance, and that creates a problem not only for them, but for the rest of us who are at risk of being in an accident with these individuals," he said.

The security of our borders may be a legitimate concern — though, like Mr. Martindell, I have to wonder why we are focusing on Mexico

and Central America. In any event, we are pushing the undocumented further underground.

"You don't want to issue a card that can be used for other purposes that maybe someone can use to kind of cloud their existence in the state," Mr. Lilienthal said. "Create a card that can only be used in limited circumstances like for driving."

Anastasia Mann, a policy analyst with the liberal New Jersey Policy Perspective and a program associate with the Eagleton Institute of Politics Program on Immigration and Democracy, agrees.

"It is an arena where government regulation is called for," she says. "For the state to cede that responsibility, to throw up its hands, is pretty bad."

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This is the fourth in a series of columns on illegal immigration in Central Jersey. Next week: Comprehensive reform.

Hank Kalet is online editor for The Princeton Packet newspaper chain. E-mail, hkalet@centraljersey.com; blog, www.kaletblog.com; Twitter, www.twitter.com/newspost41.

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