Washington University Journal of Law & Policy

Volume 43 *New Ideas in Law and Legal Education*

2014

Allowing Undocumented Immigrants to Obtain Driver's Licenses in New Mexico: Revising, Not Abandoning, the System

Steven J. Escobar

Follow this and additional works at: http://digitalcommons.law.wustl.edu/wujlp

Part of the Immigration Law Commons

Recommended Citation

Steven J. Escobar, *Allowing Undocumented Immigrants to Obtain Driver's Licenses in New Mexico: Revising, Not Abandoning, the System*, 43 Wash. U. J. L. & Pol'y 285 (2014),
http://digitalcommons.law.wustl.edu/wujlp/vol43/iss1/15

This work is brought to you free of charge by the Wash U Law Repository. To explore the repository, click here (http://digitalcommons.law.wustl.edu/). For more information, contact repository@wulaw.wustl.edu

Allowing Undocumented Immigrants to Obtain Driver's Licenses in New Mexico: Revising, Not Abandoning, the System

Steven J. Escobar*

I. INTRODUCTION

In 2003, then-New Mexico Governor Bill Richardson ("Gov. Richardson") signed a bill into law that allowed undocumented immigrants[1] to obtain New Mexico state driver's licenses.[2] The passage of the bill, House Bill 173 (HB 173),[3] made New Mexico one of only two states in the nation where undocumented immigrants can obtain an unrestricted driver's license.[4] However, the current New

---

* J.D. (2013), Washington University School of Law; B.A. (2007), University of California, Davis. I thank my beautiful, amazing wife and best friend, Lana, for helping me select this topic. I would also like to thank my parents, Joseph and Denise; my siblings, Jenny and Paul; and the rest of my wonderful family for their continued love and support. Lastly, I would like to extend my gratitude to the awesome staff on *Journal* for their time and hard work in preparing this Note for publication.

1. For the purposes of this Note, and with the exception of quotations directly to sources, "undocumented" will be used in lieu of the term "illegal," when referring to individuals living in the United States without the requisite immigration documentation. For more on the ongoing debate regarding the use of the word "undocumented" versus "illegal," *see* Christina Costantini, *Linguists Tell New York Times That "Illegal" is Neither "Neutral" Nor "Accurate,"* ABC NEWS (Oct. 1, 2012), http://abcnews.go.com/ABC_Univision/linguists-york-times-illegal-neutral-accurate/story?id=17366512. *See also* Gene Demby, *In Immigration Debate, "Undocumented" vs. "Illegal" is More than Just Semantics*, NAT'L PUB. RADIO (Jan. 30, 2013), http://www.npr.org/blogs/itsallpolitics/2013/01/30/170677880/in-immigration-debate-undocumented-vs-illegal-is-more-than-just-semantics; Roque Planas, *"Illegal vs. Undocumented" Debate: Obama and Romney Weigh in at Town Hall Meeting*, HUFFINGTON POST (Oct. 17, 2012), http://www.huffingtonpost.com/2012/10/17/illegal-vs-undocumented-presidential-debate_n_1974654.html.

2. Associated Press, *FBI Arrests Illegal Immigrants in N.M. Driver's License Case*, SANTA FE NEW MEXICAN, May 1, 2008, *available at* http://www.sfnewmexican.com/Local%20News/2-NM-IllegalImmigrants-1stLd.

3. H.B. 173, 46th Leg., Reg. Sess. (N.M. 2003).

4. Gustavo Valdes, *New Mexico Governor Takes Aim at Immigrant Driver's Licenses*, CNN (Jan. 24, 2013), http://www.cnn.com/2013/01/23/us/new-mexico-immigrant-licenses. Washington is the only other state where undocumented immigrants can obtain an unrestricted

Wash U Law Repository

Mexico Governor, Susana Martinez ("Gov. Martinez"), made it her priority to repeal the 2003 amendments to the state's driver's license statute (the "2003 Amendments") when she took office in January 2011, claiming the Amendments created an increased likelihood of fraud.[5] Although Gov. Martinez has yet to successfully repeal the 2003 Amendments, the question of whether or not to allow undocumented immigrants to obtain driver's licenses has dominated New Mexico state politics since the passage of HB 173, and it has entered the national spotlight as immigration has become a hot-button issue in recent years.

The national attention given to the debate over whether to repeal HB 173 led to the composition of this Note. The outcome of this debate, as well as the successes and failures of HB 173, could influence immigration policy in New Mexico and other states for years to come. If HB 173 is deemed a success, and the 2003 Amendments are not revoked, more states might adopt similar policies. In contrast, if issues of fraud are not appropriately addressed, other states might be less likely to follow New Mexico's lead.

Part II of this Note begins with the history of HB 173 and the policies supporting its passage. This is followed by an overview of the arguments made by both supporters and opponents of HB 173 on the bill's effect on New Mexico. These arguments include concerns about fraud, Gov. Martinez's attempts to have the 2003 Amendments repealed, New Mexico's temporary residency verification program,

---

driver's license. *Id.*; *see also* WASH. REV. CODE § 46.20.035 (2008) (governing requirements for Washington state driver's license applicants).

In Utah, driving privilege cards may be issued to undocumented immigrants who have spent more than six months living in the state. Valdes, *New Mexico Governor Takes Aim at Immigrant Driver's Licenses*, *supra*; *see also* UTAH CODE ANN. § 53-3-205 (West 2012) (governing Utah state driver's license applicants). Also, in early January 2013, lawmakers in Illinois approved a measure allowing undocumented immigrants to obtain temporary licenses. Valdes, *New Mexico Governor Takes Aim at Immigrant Driver's Licenses*, *supra*.

5. Fernanda Santos, *Governor of New Mexico, and Now an Envoy for Republicans*, N.Y. TIMES, Feb. 24, 2013, *available at* http://www.nytimes.com/2013/02/25/us/politics/gov-susana-martinezs-war-on-licenses-for-illegal-immigrants.html. One of Gov. Martinez's primary motivations for repealing the 2003 Amendments was to end alleged instances of undocumented immigrants fraudulently obtaining New Mexico driver's licenses. Marc Lacey, *License Access in New Mexico is Heated Issue*, N.Y. TIMES, Aug. 24, 2011, *available at* http://www.nytimes.com/2011/08/24/us/24 licenses.html?_r=1.

and Arizona's passage of Senate Bill 1070 (SB 1070), as well as the effect of SB 1070 on the number of driver's licenses issued to undocumented immigrants in New Mexico. This overview transitions into a discussion of the current status of the debate over HB 173 in New Mexico.

Following the historical examination, Part III critically analyzes the effect of HB 173. This analysis is followed by Part IV, in which several proposals are set forth for resolving the issue in a manner that balances the interests of all parties involved.

II. HISTORY

A. New Mexico's Driver's License Statute

New Mexico enacted its current driver's license statute in 1978.[6] In 2003, this statute was amended by HB 173, sponsored by Democratic Representative Miguel P. Garcia ("Rep. Garcia") of Albuquerque,[7] to allow "foreign nationals—including those living illegally in the country—to obtain a driver's license."[8]

The most significant changes were made to section 66-5-9 of the statute. Prior to the 2003 Amendments, driver's license applicants were required to have a social security number.[9] The 2003 Amendments enabled applicants to use an individual tax identification number in lieu of a social security number.[10] This

6. N.M. STAT. ANN. § 66-5-9 (LexisNexis 2012).

7. H.B. 173, 46th Leg., Reg. Sess. (N.M. 2003), *available at* http://www.nmlegis.gov/Sessions/03%20Regular/bills/house/HB0173.pdf. The legislation was aimed "at the state's large and growing immigrant population, those who are not citizens, but who have filed to pay taxes, and in doing so, have already provided the [Internal Revenue Service] with required identification." Editorial, *State Benefits as More Motorists are Licensed*, ALBUQUERQUE J., Mar. 15, 2003, at A10. At the time, there were an estimated 70,000 immigrants living in the Albuquerque metropolitan area alone. *Id.*

8. Associated Press, *supra* note 2; N.M. STAT. ANN. § 66-5-9 (LexisNexis 2012). As a result of the 2003 Amendments, undocumented immigrants do not need a social security number when applying for a driver's license in New Mexico. Instead, undocumented immigrants have the option of presenting other forms of identification "such as a tax identification number, a foreign passport or a Matricula Consular issued by the Mexican government." Associated Press, *supra* note 2.

9. H.B. 173, 46th Leg., Reg. Sess. (N.M. 2003).

10. *Id.* In New Mexico prior to 2003, applicants attempting to obtain a driver's license needed a social security card. Erika Davila, *Panel OKs Bill to Make it Easier for Immigrants to*

Wash U Law Repository

change affected the immigrant population because some immigrants living in New Mexico are not eligible to receive social security cards due to their immigration status. Individuals who pay taxes, however, are issued a tax identification number by the Internal Revenue Service, regardless of immigration status.[11] The 2003 Amendments required state personnel to accept an applicant's tax identification number instead of her social security number, regardless of the applicant's immigration status.[12]

Gov. Richardson eventually signed the measure into law, naming public safety as a deciding factor in amending the state's statute.[13] Specifically, state officials "sought to reduce the problem of unlicensed and uninsured drivers on the road and increase cooperation between immigrants and law enforcement personnel."[14] According to the New Mexico Motor Vehicle Division, the state's "rate of uninsured vehicles decreased from 33 percent in December 2002 to less than 10 percent in December 2008."[15]

State legislators who advocated for the 2003 Amendments believed the state law would not only encourage undocumented immigrants to obey New Mexico laws but that it would also

---

get Licenses, SANTA FE NEW MEXICAN, Feb. 13, 2002, at A5. This requirement made it impossible for undocumented immigrants to obtain licenses and therefore auto insurance, which requires a driver's license. *Id.*

11. Davila, *supra* note 10. The numbers are similar to social security numbers and "were created by the [Internal Revenue Service] so immigrants with residency could report federal income tax." Debra Dominguez, *Immigrants Line Up for Licenses*, ALBUQUERQUE J., July 16, 2003, at B2.

12. H.B. 173, 46th Leg., Reg. Sess. (N.M. 2003).

13. Associated Press, *supra* note 2. New Mexico is also the only state where Latinos are the majority. Juliet Williams & Elliot Spagat, *Hispanics in California Will Soon Be a Majority*, HUFFINGTON POST (Jan. 13, 2013), http://www.huffingtonpost.com/2013/01/31/hispanics-in-california-will-soon-be-majority_n_2593033.html.

14. Lacey, *supra* note 5. Whether or not the 2003 Amendments have accomplished these goals is still debated by proponents and opponents of the Amendments, especially since "New Mexico continues to have one of the largest percentages of uninsured motorists in the country." *Id.*

15. Dan Boyd, *Effects on Insurance Unclear*, ALBUQUERQUE J., July 9, 2012, *available at* http://www.abqjournal.com/main/2012/07/09/news/effects-on-insurance-unclear.html. However, a method using statistics from injury accident reports shows the state's uninsured rate increased slightly, contradicting the conclusions drawn from the study utilizing data from the New Mexico Motor Vehicle Division. *Id.*

encourage them to obtain automobile insurance.[16] In response to opponents of the Amendments, Rep. Garcia said, "Overturning the law 'would be monumental . . . from a public-safety perspective, from a humanitarian perspective, from an economic perspective.'"[17] Rep. Garcia has since calculated that the 2003 Amendments have brought about $500 million in new revenue to New Mexico since 2003.[18]

Although the 2003 Amendments had support from those who believed the Amendments would increase public safety, others believed the passage of HB 173 would have negative effects on public safety.[19] Representative Dan Foley, one of three legislators opposing HB 173, said, "[T]he bill might make it possible for potential terrorists to get driver's licenses in the state."[20] Senator Leonard Lee Rawson worried HB 173 would create problems for employers, fearing they "could no longer rely on driver's licenses for proof that job applicants are in the U.S. legally."[21]

B. Fraud

Between the passage of the 2003 Amendments and August 2011, New Mexico issued over 80,000 driver's licenses to undocumented immigrants.[22] The provision of these licenses was not without controversy. Reports indicate that some of these driver's licenses were obtained fraudulently by out-of-state residents.[23] In April 2008,

---

16. Tom Sharpe, *Judge Frees Woman in Driver's License Fraud*, SANTA FE NEW MEXICAN, Oct. 6, 2011, *available at* http://www.sfnewmexican.com/LocalNews/Judge-frees-woman-in-dri ver-s-license-fraud#.UWhL9Y45s20.

17. Kate Nash, *Expect Debate on Repeal of Immigrant Licenses in Legislative Session*, SANTA FE NEW MEXICAN, Jan. 16, 2011, at A1.

18. *Id.* The additional revenue has come in the form of car sales, insurance premiums, and license fees.

19. *See* Davila, *supra* note 10.

20. *See id.*

21. *Senate Smooths Foreigners' Road*, ALBUQUERQUE J., Mar. 13, 2003, at A10.

22. *Foreign Nationals Fraudulently Voted in New Mexico Elections, State Official Says*, FOX NEWS (Mar. 16, 2011), http://www.foxnews.com/politics/2011/03/16/foreign-nationals-frau dulently-voted-new-mexico-elections-state-official-says/. However, because it does not inquire into a license applicant's immigration status, "[t]he state says it doesn't know how many of those went to illegal immigrants . . . ." *Id.*

23. Lacey, *supra* note 5. In May 2011, four arrests were made in a license scam "aimed at immigrants from South Asia." *Id.* These arrests resulted in "the sixth fraudulent-license arrest in

Wash U Law Repository

the FBI arrested ten undocumented immigrants in connection with an alleged smuggling operation involving the fraudulent acquisition of New Mexico driver's licenses.[24] These individuals were charging thousands of dollars to "help other illegal immigrants travel to the state to get licenses."[25]

In another case involving driver's license fraud, Chinese criminal ringleaders were indicted in August 2011, after being "accused of running ads in Chinese newspapers in New York City promising New Mexico driver's licenses . . . ."[26] Immigrants hoping to acquire a driver's license allegedly flew from New York to Albuquerque,

---

seven months, state officials said, with others involving illegal immigrants from China, Poland, Costa Rica and Brazil." *Id.* Two months later, Border Patrol arrested a man in Albuquerque after he "advertised his services securing licenses for illegal immigrants in Spanish-language newspapers in New York." *Id.* At the time of his arrest, the man was helping undocumented immigrants from Colombia and Ecuador acquire driver's licenses in New Mexico. *Id.* In August 2011, "a grand jury indicted an Albuquerque woman on more than 300 felony counts of helping forty-three illegal immigrants from Mexico obtain the licenses." Dennis J. Carroll, *Chinese Crime Ring Accused in New Mexico Driver License Fraud*, REUTERS, Aug. 25, 2011, *available at* http://www.reuters.com/article/2011/08/26/us-crime-newmexico-licenses-idUSTRE77P0BK20110826.

Yue Xian Liu was one woman accused of fraudulently obtaining New Mexico state driver's licenses. Sharpe, *supra* note 16. Liu was convicted of attempting to obtain a New Mexico driver's license for Shunxian Feng after he flew from China to New Mexico in 2010. Liu helped Feng "set up an apartment in Albuquerque so that he would have utility records indicating he was a state resident." After Feng arrived in New Mexico, Liu took Feng to obtain a state driver's license at a state Motor Vehicle Division office in Santa Fe. However, office employees became suspicious of Liu, since they had seen her there on several prior occasions. Liu and Feng were arrested by state police, and charges against Feng were dropped after he agreed to cooperate with authorities and testify against Liu. Liu was initially charged with conspiracy and possession of an altered, forged, or fictitious license. The second charge was dropped, and Liu was only convicted of conspiracy, which is a fourth-degree felony that carries an eighteen-month maximum prison sentence. She was originally jailed because state District Judge Michael Vigil expected U.S. Immigration and Customs Enforcement (ICE) "would want to put a hold on her." However, since jail records indicated ICE had yet to detain Liu, she was freed on October 5, 2011. *Id.* This case is representative of some of the charges that are filed when somebody attempts to fraudulently obtain a New Mexico driver's license.

Another instance of fraud occurred when Rosa Pardo-Marrufo admitted she sold her residency information. Gustavo Valdes, *New Mexico Slated to Consider Changes to Immigrant Driver's Licenses*, CNN (Sept. 6, 2011), http://articles.cnn.com/2011-09-06/us/new.mexico.immigrants.license_1_undocumented-immigrants-license-issue-judge-sarah-singleton?_s=PM:US. Pardo-Marrufo charged up to $700 an application. She is currently serving a ten-year sentence after being arrested in 2009. *Id.*

24. Associated Press, *supra* note 2.
25. *Id.*
26. Carroll, *supra* note 23.

obtained driver's permits, and then left the state.[27] According to the accusations, the ringleaders would then "hav[e] the actual licenses mailed to an address in Albuquerque" and forward them to their clients.[28] The ringleaders were "accused of securing driver's licenses for [sixty-two] illegal immigrants of Chinese descent, primarily from New York, for $1,500 each in 2009 and 2010."[29]

C. SB 1070's Effect on the Issuance of New Mexico Driver's Licenses

On April 23, 2010, Governor Jan Brewer of Arizona signed into law what has been called "the nation's toughest bill on illegal immigration."[30] The law, SB 1070, "make[s] the failure to carry immigration documents a crime and give[s] the police broad power to detain anyone suspected of being in the country illegally."[31] Critics of the law say it "will lead to widespread ethnic and racial profiling and will be used to harass legal residents and Latino citizens."[32]

After SB 1070 became law, the three states that allow undocumented immigrants to obtain driving privileges, including New Mexico, saw a dramatic increase in the number of immigrants applying for driver's licenses in their respective states.[33] Experts

---

27. *Id.*

28. *Id.*

29. *Id.*

30. Randal C. Archibold, *Arizona Enacts Stringent Law on Immigration*, N.Y. TIMES, Apr. 23, 2010, *available at* http://www.nytimes.com/2010/04/24/us/politics/24immig.html?ref=us. Regarding the intent of SB 1070, the text reads as follows: "The provisions of this act are intended to work together to discourage and deter the unlawful entry and the presence of aliens and economic activity by persons unlawfully present in the United States." S.B. 1070, 49th Leg., 2d Reg. Sess. (Ariz. 2010).

31. Archibold, *Arizona Enacts Stringent Law on Immigration*, *supra* note 30.

32. Randal C. Archibold, *In Wake of Immigration Law, Calls for an Economic Boycott of Arizona*, N.Y. TIMES, Apr. 26, 2010, *available at* http://www.nytimes.com/2010/04/27/us/27arizona.html?ref=us. Critics also contend the new law "gives the police broad power to detain people they reasonably suspect are illegal immigrants and arrest them on state charges if they do not have legal status." *Id.*

33. Manuel Valdes & Tim Korte, *Illegal Immigrants Drawn to 3 States for Driver's Licenses*, NBC NEWS (Aug. 13, 2010), http://www.nbcnews.com/id/38697666/ ns/us_news-immigration_a_nation_divided/#.US-Q3I6ZOTM. In the ten weeks following the passage of SB 1070, New Mexico, Washington, and Utah saw a 60 percent increase in the number of driver's licenses issued to immigrants over the previous year's annual average. However, when

Wash U Law Repository

attributed this surge in applicants to more stringent anti-immigration laws not only in Arizona but in other states as well.[34]

D. Gov. Martinez's Efforts to Change the Current Law

In November 2010, Gov. Martinez, a Republican candidate, defeated then-Lieutenant Governor Diane Denish in New Mexico's gubernatorial race.[35] While campaigning, Gov. Martinez made it clear that as Governor, she planned to repeal the 2003 Amendments, ending the issuance of driver's licenses to undocumented immigrants, and to revoke the licenses already issued to undocumented immigrants.[36] Gov. Martinez argued that New Mexico's policy of granting driver's licenses to undocumented immigrants was a public safety issue.[37] She and other critics insisted such laws attracted criminals. For example, Brian Zimmer, an activist advocating to repeal the 2003 Amendments, said, "Washington state and New Mexico have been magnet states for the fraudulent document brokers, human traffickers and alien smugglers for years."[38]

In early 2011, Gov. Martinez experienced a political setback in her attempt to have the 2003 Amendments repealed.[39] During the First Session of New Mexico's 50th Legislature, Representative Andy Nuñez ("Rep. Nuñez") sponsored a bill that dealt directly with driver's license and identification card restrictions.[40] House Bill 78 (HB 78) was introduced on January 19, 2011,[41] and sought to overturn the 2003 Amendments to New Mexico's driver's license

---

compared to this increase, the rate of driver's licenses issued during this same period of time to non-immigrants increased only moderately. *Id.*

34. *Id.*

35. Sean Olson, *Martinez Protected Base, Attracted Dems*, ALBUQUERQUE J., Nov. 4, 2011, *available at* http://www.abqjournal.com/news/state/042344329459newsstate11-04-10 .htm. Gov. Martinez was "a former prosecutor who made a crackdown on illegal immigration the centerpiece of her election campaign." Carroll, *supra* note 23.

36. Nash, *supra* note 17.

37. Santos, *supra* note 5.

38. Valdes & Korte, *supra* note 33. Brian Zimmer is the "[P]resident of the Coalition for a Secure Driver's License, a nonprofit research group in Washington, D.C." *Id.*

39. Barry Massey, *Senate Rejects Bill to End Immigrant Licenses*, SANTA FE NEW MEXICAN, Mar. 9, 2011, *available at* http://www.newmexicanjobs.com/Local%20News/Senate -nixes-immi grant-license-ban.

40. H.B. 78, 50th Leg., Reg. Sess. (N.M. 2011).

41. *Id.*

statute.[42] Specifically, HB 78 suggested significant changes to section 66-5-9(1)(B), including removal of the provision that allowed applicants to use an individual tax identification number in lieu of a social security number when applying for a driver's license.[43] Additionally, HB 78 would no longer allow New Mexico Motor Vehicle Division (MVD) employees to accept individual taxpayer identification numbers, regardless of an applicant's immigration status.[44] HB 78 passed in the New Mexico House of Representatives on March 4, 2011 by a vote of 42 to 28.[45] However, the bill was defeated in the Senate by a vote of 24 to 17 against the proposal.[46] In explaining their opposition to the bill, state Democrats argued the bill was "politically motivated" and unfairly targeted Mexican nationals.[47]

E. The Residency Verification Program

After the ultimate failure of Rep. Nuñez's bill, Gov. Martinez initiated a residency verification program in July 2011.[48] The goal of the program was to force people obtaining drivers licenses "to prove they live[d] in the state,"[49] and to cancel the driver's licenses of those individuals who were not, in fact, legal New Mexico residents.[50]

---

42. N.M. STAT. ANN. § 66-5-9 (LexisNexis 2012).

43. H.B. 78, 50th Leg., Reg. Sess. (N.M. 2011).

44. *Id.*

45. N.M. H.R. 2903, 50th Leg. (2011).

46. Massey, *Senate Rejects Bill to End Immigrant Licenses*, *supra* note 39. The bill was introduced by Sen. John Ryan of Albuquerque. Sen. Ryan believed issuing licenses to undocumented immigrants posed a public safety risk, and he alleged that, because of its driver's license issuing policy, "New Mexico [was] becoming a magnet for immigrants outside of the state looking for a government-issued form of identification." *Id.* In defending his support of the proposal that would have repealed the 2003 Amendments, Sen. Ryan said, "It is our responsibility . . . that we . . . protect our citizens from these people that have no other business other than to conduct crime, to engage in illegal activities." *Id.*

47. *Id.*

48. Carroll, *supra* note 23.

49. Barry Massey, *New Mexico Judge Blocks State Plan to Verify Immigrant Licenses*, HUFFINGTON POST (Aug. 31, 2011), http://www.huffingtonpost.com/2011/08/31/ new-mexico-immigrant-licenses_n_944325.html.

50. *Id.* When Gov. Martinez announced the residency verification program, she said "authorities had detected several cases of fraud in which people in New Mexico have provided documentation to undocumented immigrants so that they can obtain driver's licenses and then return to other states." *New Mexico Sued Over Residency Verification for Licenses*, FOX NEWS

Wash U Law Repository

Under the verification program, the MVD randomly sent letters to 10,000 allegedly undocumented immigrants.[51] The letters instructed recipients to travel in person to either Albuquerque or Las Cruces to verify their residency.[52] Undocumented immigrants were required to prove their residency to an auditor, or else face the cancellation of their driver's licenses.[53] Of the 10,000 letters sent to undocumented immigrants, about one-third were returned to the state.[54] According to state officials, of the 2,000 or so meetings held with undocumented immigrants who responded to the letters, about one-half of the individuals were able to prove they resided in New Mexico.[55]

Although Gov. Martinez's office insisted the program "was not intended to facilitate deporting illegal immigrants," many immigrants were frightened by the letters.[56] Luz, a mother from Mexico, who was a recipient of one of the letters, said she did not respond because she was afraid. "Will they deport me once I get there," Luz asked, "[o]r will I get stopped on the way?"[57] This fear reached licensed individuals as well, and undocumented immigrants began to believe they had to "tread carefully in the state," even though they held valid licenses.[58]

After more than 10,000 letters had been sent to undocumented immigrants,[59] on August 24, 2011, the Mexican American Legal Defense and Education Fund (MALDEF) filed a lawsuit to stop the

---

LATINO (Aug. 25, 2011), http://latino.foxnews.com/latino/news/2011/08/25/new-mexico-sued-over-residency-verification-for-licenses/.

51. *New Mexico Sued Over Residency Verification for Licenses*, *supra* note 50.

52. *Id.*

53. Barry Massey, *UPDATED: Court Asked to Stop Immigrant License Checks in N.M.*, ALBUQUERQUE J., Aug. 24, 2011, *available at* http://www.abqjournal.com/main/2011/08/24/abqnewsseeker/maldef-to-sue-state-over-residency-certification.html. Undocumented immigrants could prove their residency in the state by providing documents, such as a lease agreement or a utility bill. Lacey, *supra* note 5.

54. Lacey, *supra* note 5. Gov. Martinez's office cited the returned letters as evidence of a serious fraud problem. *Id.* However, proponents of the 2003 Amendments contend the returned letters don't prove anything.

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.* These individuals are also aware of "various federal immigration checkpoints set up" around the state and intentionally avoid them. *Id*.

59. *Id.*

residency verification program enacted by Gov. Martinez.[60] MALDEF then joined an Albuquerque law firm to file a lawsuit in the state District Court in Santa Fe.[61] MALDEF contended the license verification program enacted by Gov. Martinez was "illegal because it single[d] out foreign nationals for unfair treatment, violating equal protection provisions of the state and federal constitutions."[62] MALDEF further contended that Gov. Martinez's administration lacked the power to enact the residency verification program because it "wasn't authorized by the Legislature and it effectively require[d] some people to reapply for a driver's license."[63] Opponents of the lawsuit argued "the suit attempt[ed] to stop an effort by the state to confront identity theft and fraud."[64]

In response to lawsuit opponents, Rep. Garcia defended the 2003 Amendments—the clear target of the residency verification program—which would become effectively obsolete if the program were to be upheld. Rep. Garcia argued the Amendments "provide[d] an opportunity for 'our immigrant population to come out of the

---

60. *New Mexico Sued Over Residency Verification for Licenses*, *supra* note 50. According to Gov. Martinez's office, at the time the lawsuit was filed, more than 1,000 undocumented immigrants who held driver's licenses had them renewed. Massey, *UPDATED: Court Asked to Stop Immigrant License Checks in N.M.*, *supra* note 53. Additionally, about 2,500 individuals scheduled appointments in response to the letters sent out by the state Taxation and Revenue Department. *Id.* However, about 31 percent of the 10,000 letters were returned as undeliverable, one of the reasons being that forwarding addresses were unavailable for some individuals. *Id.*

61. Massey, *UPDATED: Court Asked to Stop Immigrant License Checks in N.M.*, *supra* note 53. Martha Gomez, an attorney for the Mexican American Legal Defense and Educational Fund, argued that the program administered by the Taxation and Revenue Department (named as the defendant in the lawsuit) "unfairly targets certain Latinos in New Mexico and places a higher burden on them beyond what the law requires of other residents." *Id.* at 1. The lawsuit sought to block the state Taxation and Revenue Department "from checking a random sample of 10,000 license holders who are foreign nationals to determine their residency." *Id.*

62. *Id.* at 1.

63. *Id.*

64. *Id.* Gov. Martinez's Press Secretary, Scott Darnell, stated the following in response to the suit filed in part by the Mexican American Legal Defense and Educational Fund:

> "This out-of-state group may believe that New Mexicans do not have a right to know who is residing within their borders, and as such, they may not have a problem trying to protect the illegal immigrants who have come to New Mexico from throughout the country to get our driver's license and leave . . . . But New Mexicans have a decidedly different point of view, and so does Gov. Martinez."

Id.

Wash U Law Repository

shadows and become [participatory members] of our society.'"[65] Rep. Garcia and other supporters of the MALDEF lawsuit believed that, unlike the 2003 Amendments, the verification program worked to hinder public safety by discouraging undocumented immigrants from obtaining licenses and car insurance.[66] In contrast, the 2003 Amendments improved public safety by providing immigrants with the ability to insure their vehicles and by reducing immigrant fears about reporting crimes to and cooperating with police.[67] In addition, advocates of the 2003 Amendments argued providing undocumented immigrants with licenses would bring additional revenue to the state, because it would encourage unlicensed drivers without car insurance to obtain insurance.[68] Furthermore, the Amendments helped law enforcement obtain much needed safety data, and advocates alleged that instances of fraud cited by Gov. Martinez were isolated.[69]

On August 30, 2011, New Mexico District Court Judge Sarah Singleton issued an order blocking Gov. Martinez's administration from continuing the residency verification program while it was challenged in court.[70] It was feared, however, that the ruling would be inconsequential; shortly after the ruling, Gov. Martinez renewed her push in the New Mexico Legislature to "repeal New Mexico's license policy by requiring people to have a [s]ocial [s]ecurity number."[71] On

65. *Id.* at 2.

66. David Urias, an attorney assisting MALDEF in its lawsuit, argued that "Martinez was discriminating against license holders on the basis of where they were born, something appeals courts had ruled unconstitutional. Milan Simonich, *MALDEF Suit Seeks End to Driver's License Scrutiny*, EL PASO TIMES, Aug. 25, 2011, *available at* http://www.elpasotimes.com/newmexico/ci_18753460.

67. *Id.*

68. Valdes & Korte, *supra* note 33, at 1.

69. Russell Contreras, *Immigrant Rights Groups Protest NM Special Session*, YAHOO! NEWS (Sept. 6, 2011), http://news.yahoo.com/immigrant-rights-groups-protest-nm-special-session-191152119.html.

70. Massey, *New Mexico Judge Blocks State Plan to Verify Immigrant Licenses*, *supra* note 49.

71. *Id.* Social security numbers are not available to individuals living without documentation in the United States. *Id.* At the time the residency verification program was halted, Gov. Susana Martinez's administration said it had spent $177,000 on the program dedicated to reviewing driver's licenses held by undocumented immigrants. Deborah Baker, *$177,000 Spent on License Program; Gov.'s immigrant initiative was halted by judge last month*, ALBUQUERQUE J., Oct. 13, 2011, at C1. Of the $177,000 spent on the program, $63,000 was spent on twenty temporary clerks in charge of handling appointments at the special offices in Albuquerque and Las Cruces. *Id.* In addition, $49,000 was spent on a contract entered into

October 3, 2012, New Mexico District Judge Sarah Singleton "issued an order permanently blocking the program and stopping [Gov. Martinez's] administration from canceling licenses of any immigrants initially checked unless the state ha[d] evidence of fraud."[72]

F. A Single Office for Undocumented Immigrant Driver's License Applications

In October 2011, Taxation and Revenue Secretary Demesia Padilla announced New Mexico was considering opening an office in Albuquerque that would handle exclusively those New Mexico driver's license applications filed by undocumented immigrants.[73] At the time, New Mexico was receiving between 300 and 400 applications a week from undocumented immigrants at Motor Vehicle Division field offices across the state, and only one or two employees were handling these specific applications at each office.[74] The idea for a dedicated office, Padilla said, was motivated by a desire to provide better customer service and to balance the demands of the department's budget and labor force.[75]

Even at the conceptual stage, immigrants' rights advocates questioned the department's motives.[76] "It's really hard to tell how much of this is real or whether it's just Taxation and Revenue continuing their campaign against immigrants. . . . It appears that the goal is to just make it as difficult as possible for immigrants to get licenses," said Marcela Díaz, Executive Director of Somos Un

---

with a call center based in Albuquerque that was in charge of setting up the appointments; $29,000 was spent on six temporary clerks that did data entry and answered questions over the phone; $14,000 was spent on data and phone lines; $11,000 was spent on staff travel and overtime; and $11,000 was spent on furniture for the office in Albuquerque, postage, office supplies, and miscellaneous. *Id.* The administration combed through the returned letters, looking for any evidence of fraud. *Id.* Although this action was allowed after the ruling, the residency verification program itself was "frozen while a court challenge to the program [was] pending." *Id.*

72. Barry Massey, *NM Blocked From Resuming Immigrant License Checks*, KOB EYEWITNESS NEWS 4, Oct. 3, 2012, *available at* http://www.kob.com/article/stories/S2788799.shtml.

73. *Office for Immigrant Licenses*, SANTA FE NEW MEXICAN, Oct. 19, 2011, *available at* http://www.iandcsolutions.com/news/133.

74. *Id.* at 1.

75. *Id.* at 2.

76. *Id.*

Wash U Law Repository

Pueblo Unido, a New Mexico-based immigrants' rights organization.[77]

When the idea for a dedicated office was first developed by the Taxation and Revenue Department, there were 92,000 immigrants possessing New Mexico driver's licenses.[78] Of those 92,000 individuals, some were in the state legally, while others were undocumented.[79] Moreover, because the law does not allow department employees to inquire into the legal status of driver's license applicants, neither Padilla nor Taxation and Revenue spokesman S.U. Mahesh could say how many of the 300 to 400 weekly appointments involved undocumented immigrants.[80]

G. Current Status of the Issue

On January 23, 2013, Gov. Martinez announced she was supporting a new proposal to repeal the 2003 Amendments (the "New Bill").[81] The New Bill differs slightly from previous attempts in that the proposal would provide temporary licenses to individuals "who qualify for a two-year reprieve from deportation" under the Deferred Action for Childhood Arrivals program implemented by the Department of Homeland Security.[82] The principal effect of this New

---

77. *Id.*
78. *Id.*
79. *Id.*
80. *Id.*
81. Valdes, *New Mexico Governor Takes Aim at Immigrant Driver's Licenses*, *supra* note 4. In declaring her intention to once again push to have the state law repealed, Gov. Martinez stated the following:

> "I am once again asking the legislature to repeal the law that gives driver's licenses to illegal immigrants . . . . I am always willing to discuss this issue with legislators from both parties and explore ways to find common ground, but I believe the most effective solution is to simply repeal this dangerous law."

Id. Republican Representative Paul Pacheco ("Rep. Pacheco") of Albuquerque sponsored the New Bill. Milan Simonich, *NM House Committee Again Blocks Driver's License Bill Favored by Governor*, LAS CRUCES SUN-NEWS, Feb. 26, 2013, *available at* http://www.lcsun-news.com/las_cruces-news/ci_22673748/nm-house-committee-again-blocks-drivers-license-bill.

82. *Gov. Susana Martinez Supports Giving DREAMers Driver's Licenses*, FOX NEWS LATINO (Feb. 14, 2013), http://latino.foxnews.com/latino/politics/2013/02/14/gov-susana-martinez-supports-giving-dreamers-driver-licenses/. Under this plan, the temporary license would be effective for only one year. *Id.* In order to facilitate the issuance of these licenses, the state's Motor Vehicle Division would create two separate licenses—one requiring proof of the

Bill mirrors prior actions by Gov. Martinez: the legislation would "prohibit all other undocumented immigrants from obtaining driver's licenses."[83]

On February 26, 2013, the House Labor Committee voted 5 to 4 to block the New Bill.[84] The future status of the Bill remains in question,[85] but what is clear is that supporters of the 2003 Amendments do not view the New Bill as a compromise.[86] Some supporters argue the New Bill is even more restrictive than previous efforts.[87] Nevertheless, a companion bill was introduced in the New Mexico Senate but has yet to be debated.[88] Additionally, another bill, introduced by Senator Pete Campos ("Sen. Campos"), would allow undocumented immigrants to continue driving.[89] However, under Sen. Campos's bill, undocumented immigrants would receive privilege cards in lieu of regular licenses.[90]

III. ANALYSIS

A. Success of the 2003 Amendments

To become an insured motorist, a driver must first obtain a driver's license.[91] Thus, it is unsurprising that, with over 70,000 immigrants living in the Albuquerque metropolitan area at the time

---

applicant's legal permanent status, such as a U.S. birth certificate or passport, and another license for immigrants considered eligible for Deferred Action. *Id.* For more information on the Deferred Action for Childhood Arrivals, *see* U.S. DEP'T OF HOMELAND SECURITY, DEFERRED ACTION FOR CHILDHOOD ARRIVALS, http://www.dhs.gov/deferred-action-childhood-arrivals (last visited Feb. 27, 2013).

83. *Gov. Susana Martinez Supports Giving DREAMers Driver's Licenses*, *supra* note 82.

84. Simonich, *supra* note 81.

85. After the House Labor Committee blocked the New Bill, Rep. Pacheco stated he was not sure if he would appeal the decision to the full House of Representatives. *Id.* If he chose to appeal the decision, Rep. Pacheco would have to get the New Bill through the House and the Senate, as the legislative session ended on March 16, 2013. *Id.*

86. For example, Democratic Representative Rick Miera failed to find any evidence of a compromise in the New Bill. *Id.*

87. Elsa Lopez of Somos Un Pueblo Unido also said the bill was "'a step back' from Pacheco's initial measure in that it was more restrictive." *Id.*

88. *Id.*

89. *Id.*

90. *Id.*

91. Davila, *supra* note 10.

Wash U Law Repository

HB 173 was passed,[92] a state statute preventing certain undocumented immigrants from obtaining a driver's license resulted in a large number of uninsured motorists.

New Mexico has one of the highest rates of uninsured motorists in the country.[93] One of the primary goals of HB 173 was to increase public safety by reducing the number of uninsured motorists on the road.[94] Indeed, this is a clever remedy to the problem, because it removes the barrier to obtaining a driver's license for undocumented immigrants. Although the opportunity to obtain a driver's license does not guarantee that drivers will immediately, if ever, obtain insurance, it makes the obtainment of insurance more likely.

In regards to enabling more undocumented immigrants to get licenses, HB 173 proved successful.[95] HB 173 eliminated the documentation hurdle that undocumented immigrants previously faced when attempting to obtain a New Mexico driver's license, by allowing undocumented immigrants to use other forms of identification in lieu of a social security number, which is not given to undocumented immigrants.[96]

After the passage of HB 173, New Mexico's uninsured motorist rate dropped from 33 percent to 9.1 percent.[97] This outcome arguably provides direct evidence of the success of HB 173.[98] Judging by this rate decrease of more than 50 percent in the last nine years, it's safe to say that public safety has increased as a result of the 2003 Amendments, just as supporters of HB 173 had hoped.[99]

---

92. *State Benefits as More Motorists Are Licensed*, *supra* note 7.
93. Lacey, *supra* note 5.
94. *Id.*
95. Davila, *supra* note 10; *see also* H.R. 173, 46th Leg., 1st Spec. Sess. (N.M. 2003).
96. *See* Davila, *supra* note 10.
97. Boyd, *supra* note 15.
98. However, due to the existence of conflicting data, it is not entirely clear whether the 2003 Amendments are directly responsible for any decrease in the rate of uninsured motorists, or whether this statistic has decreased at all. *See id*. (A recent study predicted this rate would actually *increase* "because the open license law would attract new immigrant workers."). There is also the existence "of a new reporting law that requires insurance companies to provide information to the state, so it is impossible to tell how much of the decrease might be attributable to the law allowing foreign nationals to obtain licenses." *Id.*
99. *Id. See also* Associated Press, *supra* note 2.

Supporters of HB 173 also hoped the bill would "increase cooperation between immigrants and law enforcement personnel."[100] This outcome is not readily measurable, but it makes sense that the bill would indeed increase cooperation. Those driving without a license have reason to avoid law enforcement, and are therefore less likely to cooperate. Moreover, those without a license have reason to flee the scene of an accident for fear of being arrested for driving without insurance. Providing driver's licenses to undocumented immigrants lessens the motive to avoid law enforcement, and hence the likelihood of cooperation is increased. Ultimately, by decreasing the number of uninsured motorists on the road, supporters of HB 173 made great strides towards increasing cooperation between law enforcement personnel and immigrants.[101]

B. Issues of Fraud

Despite the apparent success of the 2003 Amendments, the legislation has endured its fair share of criticism, especially from Gov. Martinez.[102] One of the primary arguments opponents make is that the changes to section 66-5-9 encourage people to fraudulently obtain drivers licenses in New Mexico,[103] making the state an attractive destination for criminals.[104]

Although the concerns about fraud might be valid, the public policy benefits of the 2003 Amendments outweigh the perceived negative effects. Even driver's licenses obtained fraudulently bring revenue into the state.[105] Furthermore, it is likely that fears resulting from legislation like SB 1070 have led some immigrants to obtain fraudulent legal identification from states with less strict documentation requirements.[106] Since legislation like SB 1070 unfairly targets undocumented immigrants, immigrants are pressured

100. Lacey, *supra* note 5.
101. *See id.*
102. *See* Santos, *supra* note 5.
103. *See* Valdes & Korte, *supra* note 33.
104. *Id.*
105. As recently as the 2007 Fiscal Year, over $9,000,000 was generated in revenue from license receipts. *See* LEGISLATIVE COUNCIL SERV., INDEX TO REVENUE SOURCES OF N.M. 82 (2008), http://www.nmlegis.gov/lcs/misc/Index%20to%20Revenue%20Sources.pdf.
106. Valdes & Korte, *supra* note 33.

Wash U Law Repository

to find valid forms of identification to protect against profiling, arrest, and deportation.[107]

C. Effects of the Residency Verification Program

In response to the number of fraudulently obtained driver's licenses, Gov. Martinez created the residency verification program in July 2011.[108] However, on August 30, 2011, a New Mexico district judge ordered an end to the residency verification program.[109] In addition to possible Equal Protection violations,[110] the program offset much of the goodwill created by the 2003 Amendments.

One of the goals of the 2003 Amendments, as stated by Rep. Garcia, was to "provide[] an opportunity for 'our immigrant population to come out of the shadows and become [participatory

---

107. *See id.*

108. Caroll, *supra* note 23. As previously stated, under the plan, "New Mexico sent notices to people that they must schedule an in-person appointment and bring documents, such as a utility bill or lease agreement, to prove they live in the state." Massey, *New Mexico Judge Blocks State Plan to Verify Immigrant Licenses*, *supra* note 49. Under the program, letters were sent to 10,000 people and instructed the recipients to verify their residency in person. *See New Mexico Sued Over Residency Verification for Licenses*, *supra* note 50; *see also* Lacey, *supra* note 5.

109. Massey, *New Mexico Judge Blocks State Plan to Verify Immigrant Licenses*, *supra* note 49.

110. *See* U.S. CONST. amend. XIV. The Equal Protection Clause states the following:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Id. In the 1982 case *Plyler v. Doe*, the Supreme Court recognized that undocumented immigrants are also afforded protection under the Fourteenth Amendment, holding: "[w]hatever his status under the immigration laws, an alien is surely a 'person' in any ordinary sense of that term. Aliens, even aliens whose presence in this country is unlawful, have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments." 457 U.S. 202, 210 (citing Shaughnessy v. Mezei, 345 U.S. 206, 212 (1953); Wong Wing v. United States, 163 U.S. 228, 238 (1896); Yick Wo v. Hopkins, 118 U.S. 356, 369 (1886)); *see also* Justin Hess, *Nonimmigrants, Equal Protection, and the Supremacy Clause*, 210 B.Y.U. L. REV. 2277, 2278 (2010). Since the residency verification program was designed to target undocumented immigrants, an argument was made that it violated the Equal Protection Clause by unfairly targeting a single group of people. Massey, *UPDATED: Court Asked to Stop Immigrant License Checks in N.M.*, *supra* note 53.

members] of our society.'"[111] The residency verification program, much like SB 1070 in Arizona, singled-out and targeted undocumented immigrants.[112] However, while SB 1070 was a piece of Arizona legislation, the residency verification program was birthed in New Mexico and targeted the same individuals the 2003 Amendments were intended to assist. Therefore, rather than encouraging the immigrant population to "come out of the shadows,"[113] the residency verification program pushed immigrants back into the shadows, and discouraged immigrants from further integrating themselves into mainstream society.[114]

While the residency verification program was a public relations disaster in the New Mexico immigrant community, it was successful in identifying certain instances of fraud.[115] Thus, a similar program might legitimately quell concerns about New Mexico becoming a magnet for criminal activity. An address verification system could not only effectively deter fraudulent driver's license applications, it might also help isolate and identify those fraudulent applications. However, the New Mexico government should be cautious in implementing any such system, for fear of destroying all goodwill developed with the state's immigrant community.

IV. PROPOSAL

Although the 2003 Amendments have been successful in reducing the number of unlicensed and uninsured motorists in New Mexico and in increasing public safety,[116] issues of fraud and criminal activity are valid concerns that need to be addressed. The residency verification program was an effective first step in eliminating fraudulent driver's license applications.[117] However, such a plan must be developed cautiously, as the immigrant community might be

111. Massey, *UPDATED: Court Asked to Stop Immigrant License Checks in N.M.*, *supra* note 53.
112. Lacey, *supra* note 5.
113. Massey, *UPDATED: Court Asked to Stop Immigrant License Checks in N.M.*, *supra* note 53.
114. Lacey, *supra* note 5.
115. *Id.*
116. *See id.*
117. *See id.*

Wash U Law Repository

reluctant to obtain New Mexico driver's licenses and motorist insurance for fear of being targeted and possibly deported.[118]

Perhaps the best way to balance the need to eliminate fraudulently obtained driver's licenses with the legitimate fears of the immigrant community is to establish a system that deals with documented immigrants, undocumented immigrants, and non-immigrants equally. Such a system would go a long way in assuaging the fears of the immigrant community. A system that targets the entire New Mexico population could identify and help eliminate licenses obtained fraudulently by immigrant and non-immigrant New Mexicans, alike. Although documented immigrant and non-immigrant fraud has not been identified as a problem, such a system could have the positive collateral effect of locating unanticipated fraud in the process of executing a single program.

This proposed system could be used by the New Mexico Motor Vehicle Division (MVD) to identify residency issues at the time of a driver's license application, and to identify driver's licenses already fraudulently obtained. In the latter instance, the MVD could utilize this system to send letters randomly to *all* New Mexico residents. This would help alleviate the fears of the immigrant community because individuals would know that, in responding to the letters and showing up at a New Mexico motor vehicle office, they would not be readily identified as undocumented immigrants; documented immigrants, undocumented immigrants, and non-immigrants alike would be receiving these letters.

In helping to identify fraudulent driver's license applications prior to their issuance, the state could develop a more elaborate system to track addresses used by driver's license applicants. One major indicator of fraud is when several licenses are linked to a single address, or when several applicants use a single business address.[119]

---

118. Despite Gov. Martinez's reassurance that the program was not designed to lead to the deportation of undocumented immigrants, fears were high in the immigrant community that they might be deported when responding to letters received through the residency verification program. *Id.*

119. A recent report stated that "[d]ozens of the same business and residential addresses were used repeatedly by people to obtain driver's licenses in New Mexico in a pattern that suggests fraud by immigrants trying to game the system." *New Mexico Driver's Licenses Data*

Furthermore, this use of a single address by several individuals appears to be the most common method by which people fraudulently obtain licenses in the state.[120] A system that could identify this behavior and alert MVD employees would lead the employees to request additional forms of address verification on behalf of the applicant.

V. CONCLUSION

Immigration has always been a hot-button issue in the United States, but the passage of state-based legislation like HB 173 and SB 1070 has made immigration one of the most discussed political issues over the past few years. However New Mexico decides to resolve the debate over whether undocumented immigrants should obtain driver's licenses will likely shape national opinion on this issue for years to come.

Supporters of legislation like the 2003 Amendments point to the success of HB 173 in accomplishing the legislature's goal of increasing public safety in New Mexico by decreasing the number of uninsured and unlicensed drivers throughout the state, and consequently increasing the level of cooperation between law enforcement and undocumented immigrants.[121] Yet, opponents of the 2003 Amendments point to numerous instances of fraudulently-obtained New Mexico driver's licenses and the resulting fear that New Mexico will become a magnet for criminal activity because of the ease with which people can obtain driver's licenses in the state.[122]

Although the 2003 Amendments have been successful in achieving the public safety goals of HB 173's supporters, instances of fraud persist and cannot continue if HB 173 is to be considered a truly successful piece of legislation.[123] As a result, New Mexico needs to alter the way it monitors the issuance of driver's licenses throughout the state; any solution must balance the need to

---

Point to Fraud, FOX NEWS (Jan. 25, 2012), http://www.foxnews.com/us/2012/01/25/ap-enterprise-nm-license-data-points-to-fraud/.

120. *Id.*

121. Lacey, *supra* note 5.

122. Massey, *Senate Rejects Bill to End Immigrant Licenses*, *supra* note 39.

123. Lacey, *supra* note 5.

Wash U Law Repository

effectively identify and eliminate instances of fraud with the need to alleviate the legitimate fears of undocumented immigrants, ensuring they will not be targeted directly.