

National Latina/Latino Law Student Association Opposes HR 418

[NLLSA](#) has spearheaded a collaboration effort with other organizations to write to President Bush and members of Congress to express strong opposition to the "REAL ID Act" (H.R. 418), legislation introduced by Representative Sensenbrenner on January 26, 2005 dealing with driver's licenses, asylum, and the border. If enacted, the Sensenbrenner legislation will have a profound, negative impact on Latinos and other immigrant communities. Specifically, the implications on refugees seeking asylum, the imposition of additional requirements for driver's licenses and the building of additional fences along the border, create more problems than the Real ID Act seeks to solve. For this reason, our organization is working with the California Coalition for Civil Rights to urge other organizations to oppose this legislation. A portion of the letter that was drafted for this purpose is included below:

We are writing to urge you to strongly oppose H.R. 418, which will make it harder for legitimate refugees to obtain asylum and place them at greater risk of being deported back into the hands of their persecutors. H.R. 418 would allow a refugee who testifies credibly to be denied asylum if she is unable to track down documents to corroborate her credible testimony - for instance, where it might endanger her family. The legislation would require a refugee to prove her persecutor's "central" reasons for harming her - essentially penalizing a refugee who cannot prove with unrealistic precision what is going on in her persecutor's mind. It would also give an immigration officer or immigration judge broad leeway to deny a refugee asylum based on her perceived "demeanor" and alleged "statements" taken in unreliable circumstances, ignoring the fact that survivors of rape, forced abortions, or similar abuses may appear lacking in emotion or have difficulty making eye contact. H.R. 418 would allow the wives and children of victims of extortion by terrorist or militant groups to be deported or barred from asylum based on overly broad definitions of what constitutes "supporting" terrorism. Existing law already bars from asylum anyone who engages in terrorist activity and anyone who is or may reasonably be considered a danger to the security of the United States. The provisions listed above will have serious life and death consequences for genuine refugees without making our nation safer.

Furthermore, we ask you to oppose imposing additional federal immigrant driver's license requirements on the states. Congress already passed driver's license legislation in the "Intelligence Reform and Terrorism Prevention Act of 2004." The law requires the federal government to set federal standards for driver's licenses including standards for documentation required as proof of identity of an applicant; standards for the processing of applications to prevent fraud; standards for information to be included on driver's licenses; and security standards to ensure that licenses are resistant to tampering, alteration, or counterfeiting. These standards are to be set by the Department of Transportation through a negotiated rulemaking process that includes relevant stakeholders such as state elected officials and state motor vehicle departments. This process allows the states to maintain their ability to set eligibility standards, while also recognizing the need to prevent against identity theft and fraud.

Access to driver's licenses is a priority issue for the Latino community; the ability to prove one's identity and lawfully operate a motor vehicle is crucial for all Americans. Public safety improves when all drivers are properly licensed and insured, and national security improves when individuals have valid identification documents. Imposing additional requirements on states may prove costly and difficult to manage, while providing no real additional protection to current existing law.

Finally, the "REAL ID Act" also calls for devoting additional resources for building fences along the U.S.-Mexico border. This proposal is inhumane and inefficient and will result in increased suffering, violence, and death along the border. The language is overly broad and would permit any Department of Homeland Security Secretary in the future, at his or her discretion, to build as many military fences as he or she sees fit across the southwestern border. This would not reduce undocumented immigration, but would increase the number of deaths at the border. The existing Triple Fence cost approximately \$3 million per mile to construct. Numerous reports illustrate that this expenditure did not result in a reduction of

undocumented migration; it has simply shifted migrants out of the San Diego area to Arizona. Apprehensions in Arizona have skyrocketed over the last decade, as have border deaths. More than 2,000 migrants have died in transit since 1997 according to the government's own statistics. Since the implementation of Operation Gatekeeper and Hold the Line, migrants have been forced to cross the border in more remote and dangerous areas, and have increasingly relied on human smugglers, causing an increase in injury and death as well as criminal activity and violence. Additionally, at a time when we need to build cooperative relationships with our hemispheric partners in order to prevent future terrorist attacks, the symbolism of establishing a fence between ourselves and our neighbors is particularly troublesome.

Ultimately, comprehensive immigration reform is needed to address the root causes of undocumented immigration, to save lives along the border, and to provide U.S. employers with a legal workforce. Our nation will be safer if we enforce our immigration laws fairly and provide all of our residents with due process of law. Finally, your opposition to H.R. 418 will help to ensure the preservation of our nation's commitment to protecting refugees who have fled persecution.

We strongly oppose and urge you to oppose the "REAL ID Act." (end of letter)

[NLLSA](#) is committed to representing the views of Latina/o law students throughout the country and we welcome your ideas regarding our involvement in issues that affect our collective communities.

Written by: Mercedes V. Castillo Chair, [NLLSA](#) www.nllsa.org