

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 7 (Delegate Impallaria, *et al.*)
Health and Government Operations

Consular Registration Cards - Acceptance as Proof of Identity - Prohibition

This bill prohibits a unit of State government, a political subdivision of the State, or a person doing business in the State from accepting a consular registration card issued by a foreign government as proof of an individual's identity unless the card is accompanied by a valid visa or a permanent resident card issued by the United States.

Fiscal Summary

State Effect: The bill would not materially affect State finances.

Local Effect: Minimal.

Small Business Effect: None.

Analysis

Current Law: State law does not prohibit the use of a consular registration card as a form of identity for foreign residents. A citizen of a foreign country who wishes to enter the U.S. must first obtain a visa, either a nonimmigrant visa for temporary stay or an immigrant visa for permanent residence. A visa is generally required in order for an individual to obtain a permanent resident card, also known as a Green Card, issued by the U.S. Citizenship and Immigration Services under the Homeland Security Department. The Green Card allows individuals to live and work permanently in the U.S. Eligible recipients include immediate family members of U.S. residents, long-term residents, and political refugees.

An opinion issued by the Maryland Attorney General in 2003 states that the Motor Vehicle Administration (MVA) may require a noncommercial driver's license applicant to provide alternative identification if the applicant lacks a domestic birth certificate, but that a person's inability to establish a lawful presence in the U.S. is not a basis for denying the application. The MVA currently accepts several immigration documents as a primary source of identification, including a valid foreign passport, a certificate of U.S. citizenship, an alien registration receipt card, and an employment authorization card. The agency has the discretion to require proof of identity that it considers to be satisfactory. It does not accept consular registration cards.

Montgomery County amended its law in 2003 to allow consular registration cards to be used as personal identification or proof of residence. The county advises that the card assists residents in obtaining documents such as birth certificates and for identification when reporting crimes to the police. The law requires the County Executive to issue regulations listing the countries that reasonably ensure the reliability of information on such a card and to review the list annually and update it as needed. The proposed regulation would allow the use of registration cards issued by Mexico and Guatemala.

Background: The growing use of matricula consular cards issued to Mexican nationals who live in the U.S. has prompted discussion and debate over the use of such cards as proof of identification. The matricula consular is reportedly accepted by 402 localities, 32 counties, 122 financial institutions, and 908 law enforcement offices. According to the Center for Immigration Studies, Mexico has issued the matricula consular cards since 1870 to its nationals living abroad in case they needed consular assistance. While the Mexican government added several features to prevent counterfeiting, concerns remain that necessary safeguards do not exist to verify the identity of the matricula consular applicant, who must provide a birth certificate to receive the card.

The American Association of Motor Vehicle Administrators' board of directors approved a resolution in May 2003 stating it is premature to recommend the use of any consular card and that no foreign documents other than a foreign passport be allowed to provide specific data for identification. Nine states accept the matricula consular card as a primary or secondary document for a driver's license, including California, North Carolina, Indiana, and Utah.

Local Fiscal Effect: None of the counties who responded to a request for a fiscal estimate indicated that the bill would have a fiscal impact. Montgomery County advised that it would allow an approved consular registration card to be used as proof of local residence to qualify for certain programs, but not as sole proof of identity.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Montgomery County, Garrett County, Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Attorney General, Comptroller's Office, Department of Health and Mental Hygiene, Maryland Department of Transportation, Department of Budget and Management, Department of Legislative Services

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